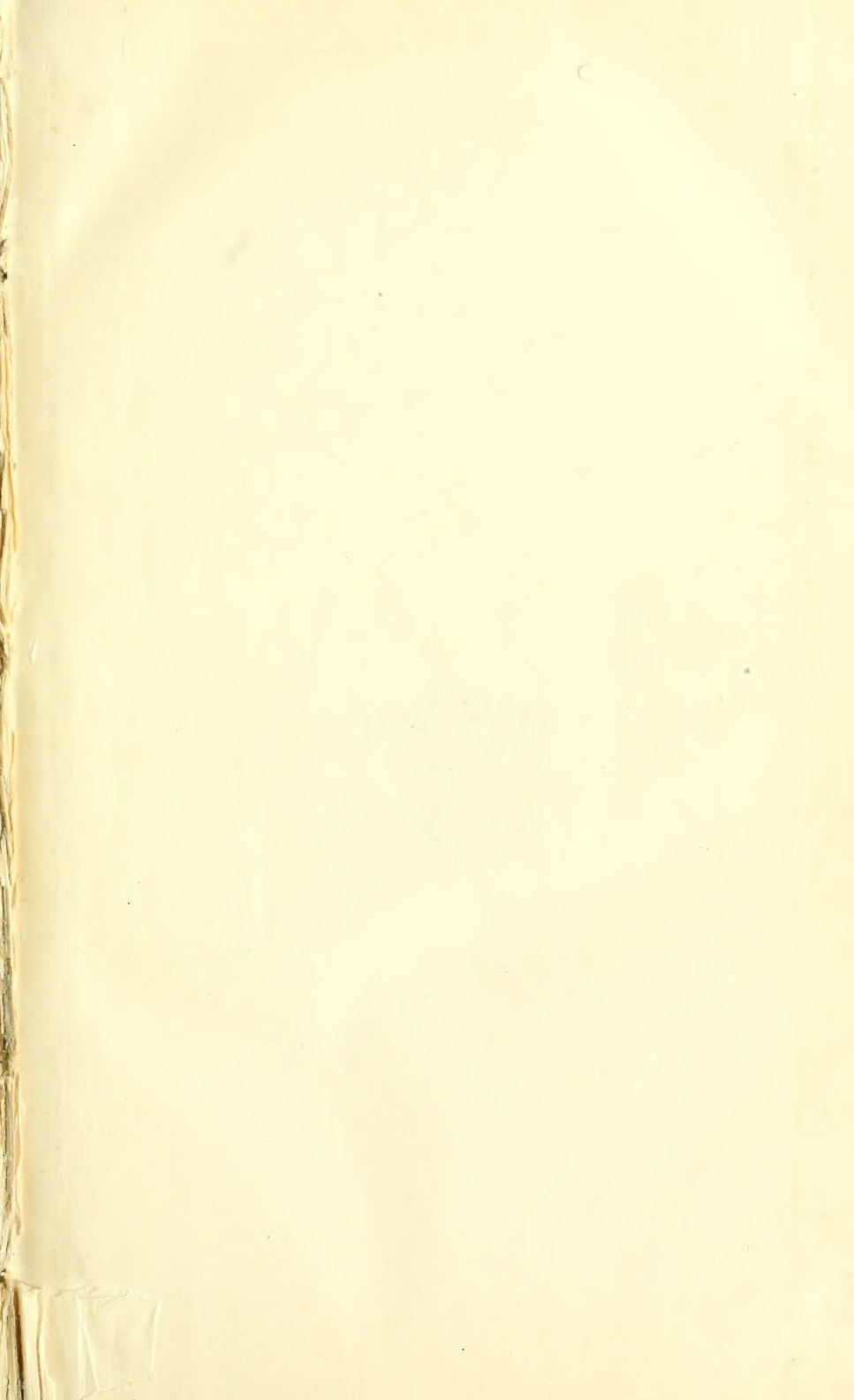


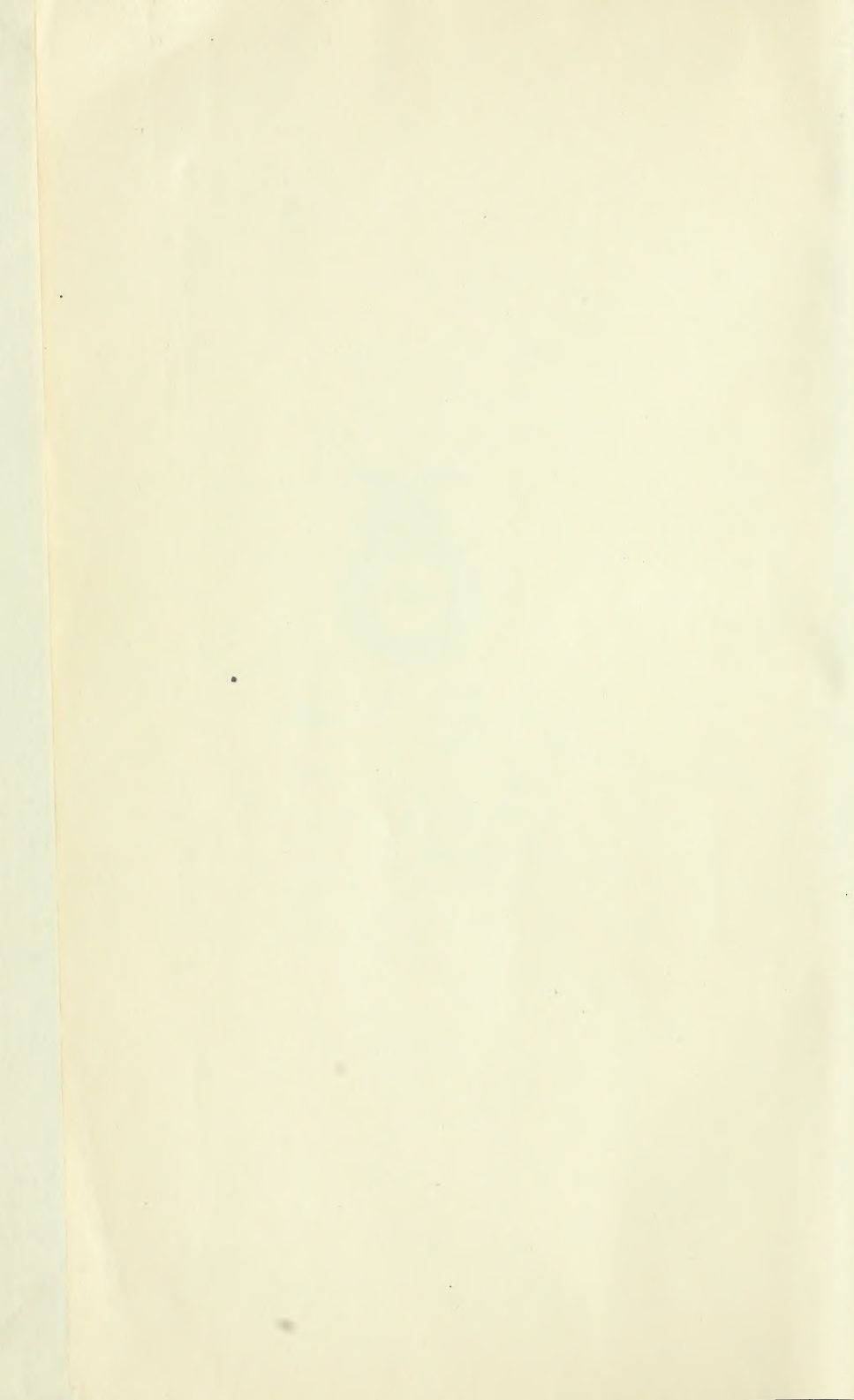
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U. S. Congress, House, Select com-  
" mittee on Rhode Island.

RHODE ISLAND—INTERFERENCE OF THE EXECUTIVE IN  
THE AFFAIRS OF.

JUNE 7, 1844.

Read, and postponed till the first Monday in December next.

Mr. BURKE, from the Select Committee appointed for the purpose, sub-  
mitted the following

REPORT:

*The Select Committee, to whom were referred the memorial of the democratic members of the Legislature of Rhode Island, requesting, among other things, the House of Representatives to institute an inquiry into the fact of the adoption of a constitution by the people of Rhode Island in December, 1841, and its suppression by the then existing authorities of that State, through the interference and assistance of the President of the United States; also the petition of Samuel Milroy and sundry other citizens of Carroll county, in the State of Indiana, relating to the same subject; also the message of the President of the United States relating to his alleged interference in the affairs of the people of Rhode Island, by which they were prevented from establishing a government under the constitution adopted by them in December, 1841, with the documents accompanying, report:*

That, in order to give a precise view of the grievances complained of by the memorialists first above named, the committee herewith present the memorial entire, which is in the following words, viz:

*To the House of Representatives of the Congress of the United States:*

The undersigned, citizens of the United States, and democratic members of the General Assembly of the State of Rhode Island and Providence Plantations,

RESPECTFULLY REPRESENT:

That a large majority of the adult male inhabitants of the State of Rhode Island, being citizens of the United States, after having long waited in vain for an amendment, through the old charter government, of the political institutions of this State, in order to bring them into conformity to the standard of a democratic republic, to define and regulate the unlimited powers of the General Assembly, and to secure to the people the right of suffrage and other just rights, of which they had long been deprived, in the exercise of their original sovereign capacity, did, in December, 1841, rightfully adopt and duly ratify a constitution of government, republican in its form and character, agreeably to the guaranty of the constitution of



the United States. The votes given in for this constitution were signed by the voters, and have been carefully preserved as a standing evidence of the will and action of the people.

Previously to the election of a government under the people's constitution, the President of the United States issued a letter to the Governor, then acting under the charter and laws, in which he undertakes to prescribe the mode of proceeding to amend the institutions of a State, and declares, in effect, that the only valid change must be made by "the authorities and people;" placing the "authorities" before the people, making their consent and permission requisite to the action of the people, and reversing the great fundamental doctrine of our democratic republic—that all just government is founded in the consent of the governed; and that the people are, of course, superior to the servants intrusted with temporary power for convenience, and in order to do the will of their superiors.

A majority of the old charter House of Representatives was elected by towns containing less than one-third of the population of the State, and the voters in these towns were a third of the adult male inhabitants; so that the people of this State were ruled, under the old charter system, by one-ninth part of the adult male population, without whose permission, through their "authorities" in the General Assembly, according to the President, they could never come to the enjoyment of their inalienable rights. On the other hand, leaving to each State the question who are the people, we contend that a majority of the whole people are competent, of themselves, without permission, by an authentic act, to change their form of government.

The undersigned would call your attention to another important fact—that there was no mode prescribed by charter, law, or usage, in this State, for proceeding to change the government and to form a written constitution. All that the Assembly could do was to request the people to act; and they were at liberty to do so, or not; and could act as well without the request, which gave no power, as with it.

The President, in his letter aforesaid, conveyed the threat of an intervention with the forces of the United States, in case the proceedings of the people to set up their government should be persisted in; and by increasing the number of troops at Newport, and by other demonstrations within striking distance, he gave all the advantages of actual military co-operation and invasion to the old charter party and their government, and enabled them, with the union of the State treasury and the military, to suppress the government elected under the people's constitution; to trample upon the rights of our citizens; maintain martial law over the people, in derogation of all law; to impose on the people, while thus under duress, another constitution, unjust, restrictive, and anti-republican, adopted by less than one-third of the adult male citizens; and, generally, to govern the State as a conquered territory, by despotic laws and by the military; and to exercise a political proscription, extending through all the relations of society and business, such as has never before been witnessed in any State in this Union. Many of our citizens have been driven from the State, into exile, by the course of the successful party. Large numbers have been imprisoned, and about fifteen are now under indictments for pretended treason and misdemeanors. One of their number (Thomas W. Dorr, who was elected Governor of the State under the people's



constitution) has been kept in close prison for more than three months, under a charge of treason; but, in reality, for attempting to maintain, according to his oath of office, the people's constitution, and for carrying out the doctrines of the declaration of American independence.

The undersigned believe, and affirm, that this interference of the President in the affairs of a State, small in territory, easy of access, with an imperfect military organization, and incapable, by itself, of resisting a powerful attack from abroad, had the effect of overawing the people and of strengthening the adverse party; and that it mainly caused the overthrow of the people's constitution and government. If the President had let us alone, the new government would have been peaceably established, and generally acquiesced in.

The undersigned desire to make their solemn protest against the course pursued by the President of the United States. If, under the name of suppressing "insurrections," and repressing "domestic violence," the President can thus control the States in their internal affairs, and cast the sword into the scale of the party which he espouses, he is, in fact, a military dictator of all-absorbing powers, to be brought out as occasion may require; State rights are a mockery, and the declaration of independence is (as it is here asserted to be) "a rhetorical flourish," intended for a purpose long since gone by; popular sovereignty is a delusion; and we have not, as was supposed at the Revolution, escaped from the aristocratic and monarchical doctrine of the Old World—that government is sovereign, and the people are subjects.

Let it be borne in mind, that when the President commenced his interference with the affairs of this State, there was no "insurrection," no "domestic violence." The people were not overthrowing a government, but rightfully and peaceably substituting another, to take effect at a prescribed time; the laws being continued in operation, and the officers and magistrates being continued in their places until duly superseded by new elections and appointments.

The people of this State, who supported the constitution of 1841, were desirous, at the late election of members of your House for this State, of choosing their own candidates by the electors authorized under said constitution, and thus of bringing the question of our rights under the same to your consideration, upon a competition for the seats of the present members. But this was impossible, as, by one of the Algerine laws of this State, (properly so called,) all meetings for such a purpose are declared riotous, to be suppressed by civil and military force; and the people present, after the reading of the riot act, and without time to retire, might be shot down forthwith.

The undersigned, in view of the facts now stated, and in behalf of their democratic fellow-citizens, therefore respectfully request that the House of Representatives of the United States will inquire whether the President of the United States has any such power of interfering in the internal affairs of a sovereign State, as he has claimed and exercised in the case of Rhode Island.

The undersigned further request the House of Representatives to call upon the President of the United States for the authority, and for copies of the applications, upon which he acted in this case; for the instructions to, and statements of, the charter commissioners, sent to him from this State; for the correspondence between the Executive and the charter



Governor of this State, and all the papers and documents connected with the same; for any correspondence between the heads of departments and said Governor, or any person or persons connected with said charter government, and for any accompanying papers and documents; for all orders issued by the Executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island; and for all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; for all orders to officers of revenue-cutters for the same service; for any instructions borne by the Secretary of War to Rhode Island, on his visit in 1842, to review the charter troops; for any order or orders to any officer of the army or navy to report themselves to the charter government. And the undersigned request an inquiry whether such officers took part in advising said government, forming plans, giving directions, and otherwise; also, an inquiry whether, or not, certain officers in the pay of the United States did not, in June, 1842, at Providence, and at the head of gangs of armed whites and negroes, forcibly enter the houses of suffrage-men, and maltreat them, and despoil them of their property; also whether, in 1842, in this State, private correspondence through the post office was violated, and by whom.

The undersigned further request the House of Representatives to inquire whether the members of said House from the State of Rhode Island are entitled to their seats; inasmuch as a large number of persons, entitled, under the people's constitution, to vote at their election, were excluded from the polls, and the electors were debarred from voting for candidates in opposition, under said constitution, by the military law before described.

The undersigned further request the Congress of the United States to execute to this State the guaranty in the national constitution, of a republican constitution, *in favor of that which was rightfully and duly adopted in this State in December, 1841, and established and carried into effect by the organization of a government under it in May, 1842.*

The undersigned also request such further aid as Congress may deem it in their power and expedient to afford.

*Senators.*

SAMUEL STEERE,  
OLNEY BALLOU,  
OTIS WOOD,  
CYRUS BROWN,  
LEVI C. EATON,

GEORGE C. CARR,  
ANSON POTTER.  
Believing the statement to be substantially correct,  
ISAAC WILKINSON.

*Representatives.*

EDDY KEECH,  
GLADDING O. THOMPSON,  
ADAMS PARK,  
JAMES ANGELL,  
CYRUS FARNUM,  
WILLIAM STEERE,  
DAVID WILBUR,  
JAMES HARKNESS,  
PARDON ANGELL,

WILLIAM SMITH,  
THOMAS BUFFUM,  
ARIEL BALLOU,  
FENNER BROWN,  
WILLIAM LATHAM,  
JOSEPH T. SISSON,  
JONATHAN COLE,  
NILES WESTCOTT,  
RICHARD MOWRY.

PROVIDENCE, *February 1, 1844.*



## INTRODUCTORY REMARKS.

The memorialists allege the following facts, which they pray may be inquired into by the House, viz :

1. That a large majority of the adult male inhabitants of the State of Rhode Island did, in the exercise of their inherent sovereign power, in December, 1841, rightfully adopt, and duly ratify, a constitution of government, republican in its form and character, agreeably to the guaranty of the constitution of the United States.

2. That said constitution was suppressed through the intervention of the President of the United States, by placing at the disposal of the late charter government of Rhode Island the military power of the Union ; and that another constitution, by means of such intervention by the President, was forced upon the people of that State against their consent, and under the duress of martial law.

3. That the people of Rhode Island were disposed to test the validity of the constitution adopted by them, and the one imposed upon them by a minority of the people of that State, through the said intervention of the President, by the election of members to the House of Representatives, that the question might be raised by the competition for seats which would necessarily follow ; but that they were prevented from so doing, by a law passed by the ruling party, which law declared all meetings of the people for such a purpose riotous assemblages, which were subject to instant dispersion at the peril of being shot down on the refusal of those present to disperse.

Other matters are alleged by the memorialists, of minor importance, but which have occupied the attention of the committee, and will receive due notice in the progress of this report.

The first inquiry which suggested itself to the consideration of the committee was, as to the extent of the authority of the House to act in the matters set forth in the foregoing memorial ; and on this point they had no difficulty in coming to a conclusion. The constitution of the United States (art. 4, sec. 4) makes it obligatory upon the General Government to guaranty to each State a republican form of government, and to protect it from domestic violence.

By the memorialists it is alleged, among other things, that this provision of the constitution has not been fulfilled to the people of Rhode Island by the United States ; but, on the contrary, that, under the pretence of suppressing domestic violence, the military power of the United States was exerted by the Executive to subvert and put down a republican form of government in the State of Rhode Island, which was duly framed and organized by the people of said State, in the legitimate exercise of their inherent sovereign power ; and a government established in place of the one subverted, without their consent, and against their express will. The committee did not hesitate in the belief that this complaint of the memorialists was a proper subject of inquiry on the part of the House, and that the House was bound by the most solemn injunctions of justice to the people of a sovereign State, alleging a grievance so grave and momentous, as well as

by constitutional obligation, to institute the inquiry prayed for, and to take such other action in relation to the subject submitted to its consideration as would be found to be within the scope of its duty and its power under the constitution.

With this view of the power of the House to investigate the subject-matters of the memorial, and influenced by a desire faithfully and impartially to execute the duty confided to them by the House, the committee, at an early stage of their proceedings, resolved :

1st. To inquire into the fact of the adoption of the "people's constitution" (by which the constitution of December, 1841, is now generally known) by the people of Rhode Island ; and,

2d. To inquire into the fact of the interference by the President of the United States, or by any officer of the Government of the United States, in the internal affairs of the people of Rhode Island, during the pendency of the late difficulties in that State, growing out of the adoption and final suppression of the "people's constitution."

In order that all the parties interested in the investigation with which the committee was charged might have an opportunity to assert and vindicate all supposed rights and interests which might be involved in their proceedings, permission was given to the memorialists, and to the existing authorities of the State of Rhode Island, by a resolution of the committee, to attend, by agent or attorney, its sessions ; copies of which resolution were duly communicated to the memorialists, to the Executive of Rhode Island, and to the Representatives in Congress from said State.

The existing authorities of the State of Rhode Island have not deemed it expedient to avail themselves of the permission accorded to them as before stated, and have not attended the sessions of the committee, either by agent or attorney.

The memorialists have attended the sessions of the committee during a part of its investigations, by their agent.

Having stated these matters by way of introduction, the committee now proceed to the main subject of their investigation.

The fact that a portion (whether that portion constituted a majority will be hereinafter considered) of the people of Rhode Island did, in the month of December, 1841, adopt a constitution, establishing a republican form of government, as stated by the memorialists, the committee understand not to be disputed on any side. It is matter of history, which cannot be questioned, if any one were inclined to question it.

#### HISTORICAL NOTICE OF THE ORIGIN OF THE CHARTER GOVERNMENT, AND ITS FUNDAMENTAL PRINCIPLES.

In order to comprehend clearly the reasons which induced the people of Rhode Island to adopt a new constitution, without the consent of the existing government of that State, and in the exercise of their own inherent sovereign power, as they construed their power, it will be necessary to enter into a brief history of the origin and character of the government then existing, and which they thus sought to change or abolish.

The first authentic form of government established within the present territorial jurisdiction of the State of Rhode Island, was that which was derived from the charter granted under the authority of Parliament in

1643. That charter clothed the "*inhabitants*" of the colony with "full power and authority to govern and rule themselves, and such others as shall hereafter inhabit within any part of the said tract of land, by such form of civil government as *by voluntary consent of all, or the greatest part of them*, shall be found most serviceable in their estates and condition." In other words, it established a democratic form of government for the people of the colony of Rhode Island and Providence Plantations. It gave to the inhabitants of said colony the right to establish such form of government as the majority could agree upon—a concession no less remarkable, considering the source whence it emanated, than it was liberal and republican in its character.

Thus was the government of Rhode Island, under its first charter, a democracy. It was confirmed by Cromwell in 1655, and continued a democracy until the charter of 1663 was obtained, when, and by which, its fundamental character was totally changed, whatever might thenceforward continue to be the outward form of its organization. The charter of 1663 was granted by King Charles II. after his restoration, to William Brenton and others—creating them, and such as were and should be "admitted free of the company" and their successors, a body corporate and politic, with all the powers and privileges incident to a corporation. It gave them a corporate name; it conferred upon them the right "to sue and be sued, plead and be impleaded," answer unto, and defend all actions, suits, &c., which the company might commence, or which might be commenced against them; it conferred upon them the power to hold lands, and to sell and alien the same. It gave them a common seal. In short, it invested them with all the powers and attributes of a corporation; it gave the grantees power "TO CHOOSE, NOMINATE, AND APPOINT SUCH AND SO MANY OTHER PERSONS AS THEY SHALL THINK FIT, AND SHALL BE WILLING TO ACCEPT THE SAME, TO BE FREE OF THE SAID COMPANY AND BODY POLITIC, AND THEM INTO THE SAME ADMIT."

Thus could nobody be admitted to the company, or have a voice in its proceedings, without the consent of the grantees or corporators. The charter, therefore, created a CLOSE CORPORATION of the grantees, in the concerns of which no one could have a voice without their consent.

In addition to the mere privileges of a corporation, the grantees, in their corporate capacity, had conferred upon them by the charter all the powers of civil government over the colony of Rhode Island, limited and restricted only by the laws and customs of England, which were expressly declared to be paramount to the powers of the corporation. The following was the organized form of government as prescribed by the charter.

There was to be a governor, deputy governor, and ten assistants—the latter of whom, since the American revolution, have been dignified by the more lofty sounding and republican title of Senators. They were to be "constituted, chosen, and elected by the freemen of the said company;" and their duty was to "apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people therein." In addition to the governor, deputy governor, and assistants, there were to be chosen by the major part of the freemen of the towns and places for which they should be elected, "six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other town,



place, or city," who were to constitute the "General Assembly," whose duty it was to meet the Governor and assistants, and "then and there to consult, advise, and determine in and about the affairs and business of said company and plantations." The Governor and assistants, with the persons chosen by the towns, when met in "general assembly," constituted the legislature of the colony.

Such was the character of the charter of Charles II; such the privileges it bestowed upon the grantees; and such the form of government it established for the colony. It invested all power in the grantees, and clothed them with exclusive political as well as corporate privileges and authority; in short, it *abrogated the democratic government established by the charter of 1643, and created an OLIGARCHY in its stead* as pure in its oligarchic characteristics as any which have existed in the States of Greece, or the misnamed Italian republics of later times. And such has been the government of Rhode Island in substance, whatever may have been its ostensible form, from the acceptance of the charter of Charles II to its final death and burial in the popular movements of 1842, having been superseded, in the opinion of the committee, first, by the adoption of the "people's constitution" (so called) in December, 1841, and, finally, by the present constitution of the State. Whether or not the latter exists by right, and with the consent of the people, will hereafter be considered.

It will have been seen by the foregoing that the charter of Charles II conferred upon the grantees the power to admit such persons as they deemed proper to be "free of said company;" in other words, to share in the powers and privileges of the corporation, which embraced the administration of the civil government of the colony. The committee will now proceed to show how this power was exercised, and how liberally the privileges of the company, or rather government, (for it will be considered in that view,) were dealt out to the people who were its subjects.

*Provisions of the charter government in relation to suffrage.*

After the acceptance of the charter by the grantees, and the organization of the government under it, the General Assembly proceeded to prescribe the rule which was to govern the admission of persons to the rights of corporators; or, in other words, to the privileges of freemen. At a meeting of that body at Newport, on the 4th day of May, 1664, the following rule for the admission of freemen, or rather for the *exclusion* of the citizens of the colony from all participation in its government, was adopted, viz:

"It is also the pleasure and appointment of this General Assembly, *that none presume to vote, in the matters aforesaid, but such whom this General Assembly expressly by their writing shall admit as freemen.*"

This was the first rule adopted by the charter government for the *exclusion of the citizens* of Rhode Island from all participation in the government to which they were subject; and the ground of admission to the privileges of the government was the arbitrary will of the General Assembly, to be expressed in writing.

The next rule prescribed for the admission of freemen was adopted by the General Assembly, at a meeting in May, 1665, at the instigation of "the king's commissioners." It is in the following words:

The assembly "enact and declare, that so many of them that take the



aforesaid engagement, and are of *competent estates*, civil conversation, and obedient to the civil magistrate, shall be admitted freemen of this colony, upon their express desire therein declared to the General Assembly, either by themselves, *with sufficient testimony of their fitness and qualifications as shall by the Assembly be deemed satisfactory*, or if by the chief officer of the town or towns where they live they be proposed and declared as aforesaid; and that *none shall have admission to vote for public officers or deputies*, or enjoy any privilege of freemen till *admitted by the Assembly as aforesaid, and their names recorded in the general records of this colony.*"

By this rule, the candidate for freemanship was required to possess a "*competent estate*," to be of civil conversation, and obedient to the civil magistrate.

Here will be discovered the first glimpse of the *property* qualification upon which the right of suffrage was subsequently based in Rhode Island, and which has resulted in so much difficulty and calamity to the people of that State. It did not, however, meet with the approbation of the majority of those who then enjoyed the privileges of the charter, as indubitably appears from the subsequent action of the General Assembly; for, during the very next year it was altered, and a liberal and enlightened rule for admission to freemanship (in other words, basis of suffrage) was adopted. At a meeting of the General Assembly in May, 1666, that body passed an act relating to elections, which contains the following provision in relation to suffrage, which is the third section of the act, viz :

"*And be it further enacted by the authority aforesaid, That the freemen of each respective town, on their respective town meeting days, as shall be by them appointed, shall, and they hereby have full power granted them to admit so many persons, inhabitants of their respective towns, freemen of their towns, as shall be by them adjudged deserving thereof; and that the town clerk of each town shall once every year send a roll or list of all freemen so admitted in their respective towns to the general assembly, to be held for this colony at Newport, the day before the general election, and also such persons that shall be so returned and admitted freemen of the colony, shall be enrolled in the colony's book by the general recorder.*"—*Digest 1730, p. 16.*

Although confining the admission of citizens to freemanship, or the right of suffrage, to the freemen of the respective towns, the act of the assembly now under consideration prescribed no other rule as the basis of suffrage than the will of the freemen themselves. The property qualification was entirely repudiated.

The rule of freemanship, or basis of suffrage, remained unchanged from the date of the act last cited, until 1723. At the session of the General Assembly held in February of that year, the following act was passed, viz :

"AN ACT for directing the admitting freemen in the several towns of this colony.

"*Be it enacted by the General Assembly of this colony, and by the authority of the same it is enacted, That from and after the publication of this act, no person whatsoever shall be admitted a freeman of any town in this colony, unless the person admitted be a freeholder of lands, tenements, or hereditaments in such town where he shall be admitted free, of the value of one hundred pounds, or to the value of forty shillings per annum, or the*

eldest son of such a freeholder : any act, custom, or usage, to the contrary hereof notwithstanding."—*Digest of 1730*, p. 131.

By this act a distinct freehold property qualification in the voter was first adopted. It required that, before the citizen could be admitted to freeman ship, he should be a "*freeholder*," or owner of lands, tenements, and hereditaments, to the value of *one hundred pounds*, or to the value of *forty shillings* per annum, or be the *eldest son* of such freeholder. It not only established a freehold property qualification, but the justly odious right of *primogeniture* in voting ; a principle which has, it is believed, been exploded and repudiated from the statute-books of every State in the Union, so far as the distribution of property is concerned.

Such continued to be the qualification prescribed for the voter until 1742, when he was required to own a freehold estate of *two hundred pounds*, or *ten pounds* yearly value, or be the *eldest son* of such freeholder.—See *Digest of 1744-5*, p. 252.

At the August session of the General Assembly in 1746, an act was passed requiring the voter to be possessed of a freehold estate worth *four hundred pounds*, or the yearly rent of *twenty pounds*, or be the *eldest son* of such freeholder.—See *Digest of 1752*, p. 12.

In the years 1760, 1761, 1762, the qualification was again changed, and the voter was required to possess a freehold worth *forty pounds*, or the yearly rent of *forty shillings*, or be the eldest son of a freeholder.—*Digest of 1767*, p. 58. This qualification remained until 1798, when the voter was required to own a freehold of the value of one hundred and thirty four dollars, or the yearly rent of seven dollars, or be the eldest son of such freeholder ; and such has been the qualification of the voter, substantially, from the last mentioned date until the final abrogation of the charter of Charles II, by the adoption of the constitution of December, 1841.

At this point it should be remarked, that the fact of owning a freehold of the value prescribed, did not, *ipso facto*, entitle its possessor to the right of suffrage. He then had to pass the ordeal of admission by the freemen of the town in which he resided, who might reject him if they pleased, notwithstanding his qualification so far as respected the ownership of an adequate freehold. And it is proper further to remark, that it appeared in the course of this investigation by the committee, that there were persons in Rhode Island at the time of the adoption of the "people's constitution," who were never admitted to the privileges of a freeman, although possessed of the requisite qualification, so far as respected a sufficiency of freehold property. Thus, until the final abrogation of the charter, and the adoption of a written constitution, suffrage was *never conceded to be the absolute right* of the citizen of Rhode Island ; but depended, notwithstanding his possession of the requisite amount of freehold property, upon the will of those who had been admitted "free of the company and society" of Rhode Island. (See the charter of 1663.)

It appears to the committee, from testimony, and from contemporaneous history, that the basis of suffrage prescribed at different times by the government of Rhode Island, however objectionable it was in principle, did not at first operate so much to the injury of the citizen as to induce any very serious dissatisfaction until comparatively a recent period. Like all her sister colonies, Rhode Island was, during a long period, an agricultural community. Her population was sparse, and it was easy to obtain the requisite amount of land to qualify the citizen for freemanship. Few,

therefore, were excluded from the enjoyment of the right of suffrage, until the State became a manufacturing and mercantile community, and the circumstances of its people had become substantially changed. This change in the condition, occupations, and circumstances of the people of Rhode Island, demonstrated clearly the injustice of the regulations of the government of the State in relation to suffrage, which operated so as to exclude a large majority of its citizens from the exercise of that invaluable right. By the operation of the laws regulating the basis of suffrage, the political power of the State had passed into the hands of a minority—if, at any period before, a majority of the adult citizens of the State had possessed it. In 1840, it appears by an estimate (admitted by both parties in Rhode Island to approximate as near to the truth as any estimate probably can) that there were 22,674 adult male citizens in that State of the age of 21 years and upwards, exclusive of aliens, insane persons, paupers, and convicts, of whom 9,590 only were freemen entitled to the right of suffrage. (See testimony of John S. Harris, table of population, &c., appendix No. 1.) Thus were nearly three-fifths of the adult male citizens of that State deprived of the right of suffrage (which is accounted the most valuable right which an American citizen can possess,) by the regulations of the government claiming its authority from the charter of a King of Great Britain.

*Injustice of representation under the charter.*

But there was still another cause which operated with equal or more force to throw the political power of the State into the hands of a small minority of its citizens. It was the relative change of population which had taken place in the respective towns since the apportionment of representatives to the General Assembly, under the charter. As before stated, under the charter the town of Newport was entitled to six members, the city of Providence and the towns of Portsmouth and Warwick were entitled to four members, and all other towns to two. At the time this apportionment was made, it might have been just and equal; but, in the lapse of time, the subsequent relative changes of population in the several towns rendered it very unjust and unequal, as will be distinctly seen by the following facts. In 1840, the whole population of the State was 108,837, of whom 22,694, exclusive of aliens, &c., were adult white male citizens, among whom at that time, according to the estimate before referred to, 9,590 were freemen, entitled under the laws of the State to the right of suffrage. In that year the highest vote was given in that State which had ever been cast from the date of the charter, and which was 8,622. In the same year the several cities, towns, and places were entitled to 72 representatives to the General Assembly. Of these 72 representatives, 38, or a majority, were apportioned to 19 towns with an aggregate population of 30,818, among whom were 3,538 freemen, who cast 3,149 votes in the election of 1840. Thus had the political power of the State become, by the unchanged rules of apportionment and suffrage, vested in 3,538 freemen, and was exercised by 3,149, who actually cast their votes in 1840. Thus were the political rights of more than 108,000 inhabitants under the control of 3,538 of their number—being less than one thirtieth part of the population of Rhode Island, and one seventh part of those who, by natural right, by reason, justice, and common sense, were entitled to the possession of the political power of the State.



From this state of things, (which those who had the power obstinately refused to change,) as will hereinafter be seen, originated the discontents, agitations, and movements, which finally resulted in the abrogation of the charter of Charles II, the adoption of the people's constitution, and all the difficulties in the State of Rhode Island, which have grown out of that event.

The committee are aware that it is alleged, in behalf of the late charter of Charles II, that it secured perfect religious liberty to the people of the State of Rhode Island; and that, under the operation of the Government established by it, the people of that State enjoyed as great a degree of security in their persons and property, as the people of any other State in the Union. In regard to the religious rights of the people of that State, it is not denied that they were as carefully protected (perhaps more so) as in any State, or under any other government in the world. This tolerance in religion, however, all history shows, is to be attributed almost entirely to that illustrious friend of free inquiry, ROGER WILLIAMS. In relation to the security of life and property, the committee cannot regard that as any plea of justification, on the part of the authorities of that State, for so long withholding from the great body of the people their invaluable political rights. Besides, the same argument may be urged in favor of the worst despotism in the christian world. There is no doubt but that life and property are as well protected in Russia, or in England, as they ever were in Rhode Island. By that, the committee intend to be understood that murders, robberies, thefts, &c., are as rigorously punished in despotic or aristocratic governments, as they are in republican. The few will always consent to protect the many from acts of violence upon their persons and property, if the latter will permit the former to rob them of their political rights. No such argument can avail in a country the corner stone of whose institutions of government is the political equality of the people. But to return.

Such was the state of things in Rhode Island immediately preceding the adoption, by the people of that State, of a free constitution, and their attempt to establish a government in accordance with its provisions.

#### *Alleged causes of grievances under the Charter.*

The committee will now proceed to give the specific causes of grievance alleged by the advocates of a new constitution to exist under the charter. Those causes were the following:

1. The majority of the people were deprived of all voice in framing the laws by which they were governed, their rights defined, and their persons and property protected; and all voice in the choice of the officers by whom those laws were administered.

2. They were compelled to perform military and firemen's duty, and to pay their share of the taxes imposed by both State and National Governments, whilst they were deprived of all voice in both. To illustrate the striking injustice of this exclusion from all voice in the government, it is only necessary to state a few facts. It appears by a statement annexed to this report, (appendix No. 76,) that, in the city of Providence in 1840, there were 421 persons having no vote under the laws of the State, who were taxed on personal property owned by them in the city, amounting in value to between one and two millions of dollars. By the same statement it also appears that over 6,000 of the white adult male inhabitants of the State



were subject to military duty. This large number of persons, paying their full share of taxes, and bearing the heaviest burdens of the State, were deprived of all voice in the control of the government which imposed those burdens upon them. They, with the residue of their fellow-citizens who were denied an enjoyment of the right of suffrage, constituting three fifths of the white adult male inhabitants of the State, had no more voice in the Government of the United States than so many slaves, who are represented by their owners. They paid their due proportion of the taxes of the General Government, and were subject at all times to be called upon to peril their lives in battle for its defence; and yet, in consequence of their unjust disfranchisement by the charter government of Rhode Island, they were excluded from all voice in the Government of the Union. This glaring and intolerable injustice was one of the grievances of which the people of Rhode Island complained.

3. By the laws of the charter government, no citizen, unless he was the owner of a freehold, could commence a suit in a court of justice, for the recovery of a debt, or to obtain redress for a personal injury, without first procuring a freeholder to endorse or sign his writ. Thus was he dependent on the arbitrary will of a freeholder for the privilege of seeking justice in a court of law. Such a disability was not only an injustice, but it was a stigma attached to his person, which could not fail to degrade him in his own estimation, as well as in that of the privileged freeholder, of whom he was compelled to crave the boon of being permitted to use his name in pursuing his rights in a court of justice.

4. The disfranchised citizen of Rhode Island was also deprived, through the operation of its laws, from the privilege granted by the constitution of the United States, to be tried by his peers, because freeholders only were allowed to serve on juries.

5. The people of Rhode Island also complained of the great inequality of representation, by which, as hereinbefore shown, a small minority of the people controlled the political power of the State.

6. Another cause of complaint was the gross frauds perpetrated under the freehold system of voting, by which, in the manufacturing villages, freeholds were expressly created for the purpose of multiplying votes; the grantor always retaining control of the land granted for such fraudulent purposes, as well as power over the voter who had been made such by the flagitious operation. For the manner in which the fraud was perpetrated, reference is made to the testimony of Aaron White, jr. (Appendix No. 20.)

7. But the grievance complained of as much as any other, was, that the government of the State was based on the charter of Charles II, which invested the legislature with unlimited power, making it despotic and supreme. The people were, in fact, without a written constitution created by their sovereign will, and existing by their consent.

Such were the prominent causes of grievance on the part of the people of Rhode Island which moved them to adopt, by the exercise of their own sovereign power, without the consent of the existing government of the State, a written constitution in place of the charter, and to organize and establish a government under it, and in conformity to its provisions. The people, however, did not resort to their ultimate sovereign right to change, alter, and reform the government existing over them, without repeated efforts to induce that Government to consent to, and provide for, a change;

all which efforts were unavailing, as is abundantly proved by the following facts, established by the contemporaneous history of the times.

*Efforts to procure the establishment of a written constitution, and an extension of suffrage.*

The new relations of the people to the Government, produced by the Revolution and final independence of the colonies, induced many patriotic citizens in the State of Rhode Island, at an early period after that event took place, earnestly to desire the abrogation of the old royal charter, and the adoption of a written constitution, republican in form, which would conform to the principles of the Revolution and the spirit of the age. And hence, as early as 1797 an effort was made to establish a republican constitution, and to extend suffrage. And the principle on which this movement was avowedly advocated, was the great American doctrine of the *absolute sovereignty of the people* proclaimed in the declaration of independence, and vindicated by the toils, sacrifices, and blood of the Revolution. (See appendix No. 18.)

In 1811 another attempt was made to secure an extension of the right of suffrage. A bill for that purpose passed the Senate, but was laid upon the table in the House of Representatives; and thus the attempt failed. (See Mr. Sayles's testimony, appendix No. 13.)

In 1820 the subject of an extension of suffrage, connected with a more equal division of power, was again agitated, and a convention assembled in Providence to consider the subject. But this attempt, like those preceding it, failed of any beneficial results. (See appendix, No. 19.)

In 1824 a fourth attempt was made to procure the adoption of a written constitution, an extension of suffrage, and an equalization of representation. The General Assembly called a convention for the purpose, limiting the choice of delegates to the same to the freemen alone. (See act of the General Assembly passed at the January session 1824, appendix No. 150.)

The convention assembled and framed a constitution, which was submitted to the freemen, (landholders and their eldest sons,) and by them rejected. The extension of suffrage, however, met with no favor in the convention which framed this constitution, a proposition to that effect receiving but three votes in its favor.

Another and fifth attempt to procure the establishment of a written constitution, and an extension of suffrage, was made in 1829, by a respectful petition numerously and respectably signed by citizens of the State of Rhode Island, addressed to the Legislature of the State. The subject was referred to a committee, and an elaborate report made through one of its members (Benjamin Hazard) against the further extension of suffrage. The report referred to, which is appended to this report, advances doctrines directly at war with republican principles, and the American theory of human rights. (See exhibit B among the papers in the case of Martin Luther, appendix No. 79.)

In 1832 another attempt was made to procure an extension of the enjoyment of the right of suffrage, but without success. (See message of Governor Dorr, appendix No. 213, and testimony of W. B. Sayles.)

In 1834 a seventh and last attempt to procure the adoption of a republican constitution, and an extension of the right of suffrage, through the charter Legislature, was made; which resulted in the call of a convention, the delegates to which were elected by landholders and their eldest sons.



The act calling the convention also provided that the constitution which it might frame should be submitted to the freemen for its adoption; thus excluding a great majority of the adult male citizens of the State from all voice in its framing or adoption. (See act of the General Assembly, June session 1834, appendix No. 151.)

A convention was elected and assembled in pursuance of the provisions of this act, but finally broke up for want of a quorum; and thus was nothing accomplished by this movement. A proposition made in this convention, to extend the enjoyment of the right of suffrage, received but *seven* votes.

Thus it appears that, from 1797 to the movement of the people in 1841, repeated efforts had been made by the advocates of free suffrage to procure of the charter legislature an extension of the basis of suffrage, and an equalization of representation; but they were made in vain. Every effort was thwarted and defeated by the inexorable minority who had the exclusive possession of the government of the State. After such patient but persevering attempts to procure an acknowledgment of their just rights from the oligarchy into whose hands the political power of the State had fallen, without success, what recourse or alternative was there left to the people, but to resort to their original, inherent, and inalienable right of sovereignty, which is admitted by the American theory of government to be supreme over all laws and all political organizations? There was no other alternative left to them, but a resort to their ultimate right of sovereignty; and the people resolved upon exercising it.

*Necessity of the people's acting independent of, and without the consent of, the charter government.*

The question then occurred, How shall it be done? There was no provision in the charter pointing out the mode by which they could proceed in changing it, or in forming and adopting a constitution. And the existing authorities of the State refused to provide by law for the change in the form of government which the people had resolved to make. The people, therefore, had no other mode in which to proceed in the great work which they had resolved upon, but by acting independently, and without the consent of the existing authorities, in the exercise of their sovereign power; and upon this course they deliberately resolved.

**HISTORICAL SKETCH OF THE ADOPTION OF THE PEOPLE'S CONSTITUTION, AND THEIR ACTION IN REFERENCE TO THE LANDHOLDERS' CONSTITUTION, AND ALSO TO THE EXISTING CONSTITUTION.**

It is proper here to remark, that during the period commencing with the suffrage movement, in 1840, and ending with the establishment by the charter government of the existing constitution, three constitutions were framed and proposed to the people of Rhode Island for their adoption, viz: the people's constitution, the landholder's constitution, and the constitution now in fact existing in that State. A brief history of the action of the people, in reference to all of the three constitutions above named, will be now given; after which, the committee will proceed to consider—

1st. The question whether or not the people's constitution was, in fact,

adopted by a majority of the adult male citizens of the State of Rhode Island, entitled to vote under its provisions.

2d. The right of the people to change, alter, and reform existing systems of government; in connexion with which question, the right of suffrage will be considered.

3d. The suppression of the people's constitution, and the government established under it, through the intervention of the President of the United States, with the military power of the Union.

4th. The power and duty of the Congress of the United States to act in relation to the prayer of the memorialists.

5th. The acts of the charter government, complained of by the memorialists, by which the people of Rhode Island were prevented, under severe pains, penalties, and perils, from taking any action by which they could test the correctness of their proceedings, in the Congress or in the judicial tribunals of the United States.

The committee will now briefly give the prominent facts connected with the history of the adoption of the people's constitution.

### *Adoption of the people's constitution.*

The first movement in favor of the adoption of the constitution before mentioned was in the autumn of 1840, and resulted in the formation of a suffrage association in the city of Providence, which was followed by the organization of similar associations throughout the State of Rhode Island. These associations were formed with a view to give concentration and energy to the suffrage movement. They were followed by a mass meeting of the friends of suffrage, which convened in Providence on the 17th day of April, 1841, and which was numerously attended. This meeting was followed by another mass meeting, which was held at Newport on the 5th day of May, 1841. At this meeting, resolutions were adopted setting forth the principles of the suffrage movement, avowing its entire disconnexion with the existing political parties of the day, and appointing a State committee of eleven persons to superintend the affairs of the suffrage cause.—(See exhibit F, in the case of Martin Luther, appendix No. 83.) This last mentioned meeting adjourned to meet in the city of Providence on the 5th day of July following; prior to which time (viz: on the 11th day of June, 1841) the State suffrage committee issued an address, setting forth the grounds and principles which constituted the basis of the action of the suffrage party, and recommending the calling of a convention to frame a constitution.—(See exhibit J b, in Luther's case, appendix No. 87.)

The next event in the history of this movement of the people, with a view to the adoption of a constitution, was the holding of the mass meeting adjourned from Newport to Providence on the 5th day of July, which was attended by a large concourse of people from all portions of the State, and at which resolutions were passed, and other proceedings had, expressive of the inflexible determination of those present to establish, by a resort to their inherent sovereign power, a republican constitution and government.—(See exhibit G, in Luther's case, appendix No. 84.)

The next step was the issuing of an address by the State committee, dated on the 24th day of July, 1841, calling upon the people to meet in their several towns and places on the 8th day of August then next, and choose dele-



gates to a convention to be held on the first Monday in October ensuing, for the purpose of framing a constitution to be submitted to the people of the State of Rhode Island for their adoption or rejection. The address also prescribed the qualifications of the electors who were to vote in the election of delegates to the proposed convention, the manner in which the election was to be conducted, and the number of delegates to which each town was entitled. (See exhibit J *a*, in Luther's case, appendix No. 86.)

In accordance with this call, delegates were duly elected in the several towns and places in the State, with very few exceptions; and, on the first Monday in October, the convention assembled and proceeded in the business for which it was called. It sat during the remainder of the month of October, and a part of November, during which time it framed a constitution, and adjourned to the 16th day of November; at which time the convention re-assembled, made some slight alterations in the instrument, published it on the 18th, and directed it to be submitted to the people, for their adoption or rejection, on the 27th day of December, to be voted for, as therein prescribed, on that and the five succeeding days. The convention then adjourned, to meet again on the 12th day of January, 1842.

Every person voting on the question of the adoption or rejection of this constitution, was required to be an American citizen of the age of twenty-one years, and was required to have his permanent residence, or home, in the State of Rhode Island. He was required to vote by a written or printed ballot, with his name written upon the face of it, and which was in the words following: "I am an American citizen of the age of twenty-one years, and have my permanent residence, or home, in this State. I am (or not) qualified to vote under the existing laws of this State. I vote for (or against) the constitution formed by the convention of the people, assembled at Providence, and which was proposed to the people, by said convention, on the 18th day of November, 1841." (See a true copy of the vote in favor of the people's constitution given by William Sprague,\* late a Senator of the United States from Rhode Island, and now opposed to the constitution for which he voted—appendix, No. 75.)

The constitution also required that meetings of the citizens entitled to vote under it, should be held for the purpose of its adoption or rejection, in the several towns of the State, and wards of the city of Providence; at which meetings moderators and clerks were to be chosen, who were to preside over and direct the business of said meetings.

It also provided that on the three first days prescribed for receiving the votes of the people, the citizens should deposit their ballots in person; and, on the last three, in accordance with an ancient law of the colony, by proxy. (See appendix No. 143.) The proxy ballot was in the same form as the ballot which was required to be given in person, with the addition of the name of the person by whom it was received and deposited in the ballot-box, which was endorsed on the back thereof as a witness. (See exhibit K, in Luther's case, appendix No. 88.)

The proposed constitution also required the moderators and clerks to receive, and carefully to keep, the votes of all persons qualified to vote under its provisions, and to make registers of all the persons voting; which, together with the tickets given in by the voters, were required to be sealed up,

\* The Hon. Mr. Sprague, as did many others who voted for the people's constitution, afterwards turned his back upon it, and gave his assistance and his influence to the charter authorities, to suppress it.

and returned by said moderators and clerks, with certificates signed and sealed by them, to the clerks of the convention of the people, to be by them safely deposited and kept, and laid before said convention, to be counted and declared at its adjourned session on the 12th day of January, 1842.

In accordance with these provisions of the proposed constitution, on the days specified therein for the purpose, the people proceeded to vote on the question of its adoption or rejection. The votes were duly returned to the convention, and there counted, and the result declared as follows, viz: The whole number of votes given on the question of the adoption of the constitution was 14,000; of which 13,944 were in favor of the constitution, and 56 against it. (See testimony of John S. Harris, appendix No. L.)

It is proper here to remark, that all the original votes, registers, and certificates, given and made on the adoption of the people's constitution, have been carefully preserved by John S. Harris, esq., one of the clerks of the convention, who has exhibited the same on oath to this committee, by whom they were all carefully examined and counted, from which the following result appeared, viz: Whole number of votes cast, 14,001. In favor of the constitution, 13,955; against it, 46. Of the 13,955 voting in favor of the constitution, 10,193 voted in person, and 3,762 voted by proxy. Also, of the 13,955 voting for the constitution, 4,925 were qualified freemen under the then existing laws of the State, and 9,026 were not qualified, and did not enjoy the right of suffrage under the then existing laws of the State. (See appendix No. 73.) As has been before shown in this report, the whole number of free white male citizens of the State, over 21 years of age, exclusive of aliens, insane persons, paupers, &c., was 22,674. Of these, 9,590 were qualified freemen. The people's constitution, therefore, received the votes of a majority of 5,236 of the whole number of the free white male citizens of the State entitled to vote under it, and a majority of 260 of the freemen or persons qualified to vote under the then existing laws of the State.

Having counted the votes, and ascertained the result, the convention, on the 13th day of January, 1842, passed resolutions declaring the constitution to have been duly ratified and adopted by a majority of the people of the State, and directing the officers of said convention to make proclamation, in due form, that said constitution was henceforth the supreme and paramount law and constitution of the State of Rhode Island; which was accordingly done. (See exhibit L, in Luther's case, appendix No. 89.)

The committee cannot forbear calling the attention of the House to the extreme care and caution of the people of Rhode Island in this great movement, by which they now have it in their power to prove every material fact connected with it, from its first inception to its final consummation, by testimony which will bear the searching and rigid scrutiny authorized by the strictest technical rules of evidence.

The people of Rhode Island then proceeded to elect a Governor, Lieutenant Governor, Secretary of State, Attorney General, Senate, and House of Representatives, according to the provisions of the constitution adopted by them, and to organize a government under it. The officers thus elected assembled in the city of Providence on the first Tuesday of May, 1842, were duly qualified, and proceeded to discharge the functions of their respective offices. The Senate and House of Representatives were duly organized by the election of appropriate officers, and proceeded in the exercise of those acts and faculties which appertain to legislative bodies. Thus was a government duly organized in all its departments, and its machinery put in full

action under the constitution adopted by the people of Rhode Island, as before mentioned, which retained its organization, and exercised its powers, until finally suppressed by the charter government of the State, aided and assisted by the President of the United States with the military power of the Union. (See exhibit N a, Luther's case, appendix No. 97.)

*Landholders' constitution.*

The committee will now proceed to give a brief detail of the leading facts connected with the proposal of the "landholders' constitution," as it is called, to the people for their adoption, and its final rejection by them.

After the commencement of the suffrage movement in 1840, and when it had become apparent that public sentiment in Rhode Island imperiously demanded an extension of the basis of suffrage, and a constitution republican in its principles and provisions, the charter government set about adopting measures with a view to the forming of a constitution, and its submission to the people for their adoption or rejection. Accordingly, an act was passed by the General Assembly, at its January session in 1841, calling upon the *freemen* of the several towns in the State to elect delegates to a convention to be holden at Providence on the first Monday of November following, "to frame a new constitution for the State, either in whole or in part, with full powers for this purpose; and if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives." The question of its adoption or rejection was also, by a provision of said act, to be submitted to the *freemen* of the State. (See appendix, No. 152.) By a subsequent act, passed at the May session of the General Assembly in 1841, the apportionment of delegates to the proposed convention was altered. (See appendix, No. 153.) And, at the January session in 1842, the assembly passed another act, providing for the submission of the constitution which might be framed by the convention called by the act of January, 1841, *to all persons who should be qualified to vote under the provisions of said constitution.* (See appendix, No. 154.)

In pursuance of the provisions of the act calling the convention, delegates were duly chosen, and the convention assembled at the time appointed, and proceeded to frame a constitution, a copy of which is annexed to the testimony of John S. Harris. (See appendix, No. 3.) By the provisions of this constitution, the right of suffrage was conferred on—1st. Every person who was entitled under the charter to vote. 2d. Every white male citizen of the United States, of the age of 21 years, having resided one year in the State, and in the town or city in which he claims to vote six months, preceding the time of voting, and being possessed of a freehold estate of the value of \$134, over and above all incumbrances, was entitled to the right of suffrage. 3d. Every white male citizen of the United States, of the age of 21 years, having his permanent residence in the State two years, and in the town or place in which he claimed the right to vote six months, next preceding the time of voting; and every foreign naturalized citizen of the United States, of the age of 21 years, having his permanent residence in the State three years, and in the town or city in which he claimed the right to vote six months, preceding the time of voting, and was, moreover, possessed of a freehold estate, over and above all incumbrances, of \$134.

By the act of the General Assembly before referred to, passed at the January session, 1842, all persons qualified, under the proposed constitution,



were permitted to vote on the question of its adoption. In the month of March following it was submitted to the decision of those entitled to suffrage under it, and was by them rejected by the following vote: In favor of the constitution, 8,013; against it, 8,689. Thus was the "landholders' constitution" rejected by the people, by a majority of 676 votes.

In the mean time, the charter government proceeded to take measures to prevent the organization of the government under the people's constitution; and the people proceeded to take steps with a view to the organization of a government in accordance with its provisions; and did actually, as before stated, elect all the requisite officers, who were duly qualified, and all the machinery of the government was put in motion. That government, and the constitution under which it was organized, were, as has been before remarked, suppressed by the acting charter authorities, through the intervention and aid of the President of the United States, with the military power of the General Government.

### *Existing constitution of the State.*

The people's constitution and government having thus been suppressed by force, the calamities which had befallen the State, in consequence of the long and obstinate refusal of the charter authorities to extend the basis of suffrage, and the irresistible demonstration of public opinion in surrounding States, in relation to the impolicy of the course pursued by the charter authorities, with regard to the question of suffrage and the establishment of a republican constitution, induced the General Assembly again to call a convention, to frame another constitution to be submitted to the people; which that body did, by the act passed at the June session, 1842. (See appendix, No. 157.) The act (for the first time in the history of the charter government) called upon the "people," or such of them as should be qualified according to the provisions of the 6th section, and not the "freemen," *eo nomine*, to choose delegates to the convention. Those qualifications were as follows: 1st. All "freemen" qualified to vote under the then existing laws. 2d. All native male citizens of the United States, (including, of course, white and black,) of the age of 21 years and upwards, having had their permanent residence in the State three years, and in the town or city where in they offer to vote one year, preceding the time of voting. On the 8th day of August delegates were chosen, who assembled in convention on the second Monday in September following, and proceeded to frame the constitution which now exists, in fact, in the State of Rhode Island, and under which its present acting government was organized. A copy of this constitution is annexed to the testimony of John S. Harris.—(Appendix, No. 16.)

The following are substantially its provisions in relation to the right of suffrage:

1. Every male citizen of the United States, of the age of 21 years, was entitled to vote, who had his residence in the State one year, and in the town or city in which he claimed the right to vote six months, and was possessed of a freehold estate, clear of incumbrance, of the value of \$134, or the yearly rent of \$7.

2. Every male native citizen of the United States, who had resided in the State two years, and in the town or city in which he claimed the right to vote six months, preceding the time of voting, had had his name registered, and had paid a tax amounting to \$1, or had voluntarily paid the same amount

to the town in which he resides for the support of schools, or had been enrolled and done military service during the year preceding his offer to vote.

This last-mentioned constitution was submitted to that portion of the people of Rhode Island authorized to vote under its provisions, on the 21st, 22d, and 23d days of November, 1842, for their adoption or rejection. The vote upon the question of its adoption was as follows: In favor of the constitution, 7,021; against it, 51; majority in favor of the constitution of the people voting on the question of its adoption, 6,973. (See table of votes in John S. Harris's testimony.)

The committee deem it proper to state, in connexion with the history of the origin and adoption of the constitution last mentioned, that the whole proceeding, from the commencement until a short time previous to the election of delegates to the convention which framed it, was had while the State of Rhode Island *was under the actual operation of martial law*. The General Assembly, by an act passed at their June session in 1842, declared "the State of Rhode Island and Providence Plantations" to be under martial law, until otherwise suspended by proclamation of the Governor of the State. (See appendix, No. 103.)

On the 8th day of August, 1842, the Governor issued his proclamation suspending the operation of martial law from the said 8th day of August to the 1st day of September next ensuing; and on the 30th day of August martial law was suspended for an indefinite period of time. The military organization of the State was continued long after.

Thus was the State of Rhode Island under the substantial operation of martial law at the very time the act of the Assembly was passed calling the convention which framed the existing constitution of the State, and so continued until the existing government of the State was permanently established. A large portion of its citizens, who had participated in the attempt to establish a government under the people's constitution, were in forced exile while the proceedings were had which resulted in the adoption of the existing constitution of the State, and dared not return from the fear of exposing themselves to the relentless proscription of a party flushed with recent triumph, and intent on revenge, and the perpetuation of their power by the most unscrupulous means. *The existing constitution of that State, therefore, was voted for by the people under the duress of military force, and the menace of political persecution.*

Another important fact it is also necessary to state in this connexion. The existing constitution of the State of Rhode Island *did not receive, on the question of its adoption, a majority of the votes of those persons who were entitled to the right of suffrage under its provisions*. As before stated, of the 7,024 votes which were given for and against it, 6,973 were given in its favor. At the first election of Governor under its provisions, (which was held on the first Wednesday of April, 1843,) 16,520 votes were given. (See appendix, No. 160.) The legality of these votes, which were given by voters registered under the provisions of the constitution, cannot be, and has not been, denied. Thus it appears that there were, at the time this constitution is alleged to have been adopted by the people, at least 9,547 persons in the State entitled to vote under its provisions, or a majority of 2,523 who neglected, refused, or were prevented from voting on the question of its adoption. The committee are, therefore, clearly of the opinion that the existing constitution of the State of Rhode Island did not, at the time of its

alleged adoption by the people, receive a majority of the suffrages of the citizens who were entitled to vote under its provisions.

The authorities then in fact existing in Rhode Island seem to have anticipated such a result, and shaped their legislation accordingly. By the act calling the convention which formed the existing constitution, *a majority of all of those who were entitled to vote, under its provisions, on the question of its adoption, were required to give their voices in favor of its adoption.* Apprehending that a majority of such persons could not be obtained in favor of the constitution, the General Assembly, at its session in October, 1842, as has been before remarked, passed an act to amend the act calling the convention, by which it was provided that a majority of those *who might vote on the question*, only, should be necessary to its adoption. (See appendix, No. 159.) Therefore, according to the provisions of this act, if twenty-five men only had voted, (thirteen for, and twelve against,) the constitution would have been adopted, and declared to be the fundamental law of the State.

Of the comparative merits of the three constitutions proposed to the people of Rhode Island, it is only necessary to refer to all of them, to show that the people's constitution was very far superior to the other two, in the liberality of its provisions in regard to suffrage, its just and equal system of representation, and its careful security of the rights of both persons and property. Although both the landholders' constitution, and the constitution now in force in Rhode Island, make comparatively liberal concessions, so far as regards the right of suffrage, by their apportionment of the legislative powers, the political power of the State is by both confined to a small minority of the people; thus continuing one of the gross abuses of which the people complained, and which again, in all probability, will lead to discontent and disturbance. The committee have neither time nor space to go into a comparison of the provisions of the three constitutions, in respect to the distribution of the legislative powers; but must refer to those instruments numbered 3, 5, and 10 in the appendix, and to the census of 1840, for the general assertion here made.

On the first Wednesday of April succeeding its adoption, a general election of officers for the government to be organized under the existing constitution of the State was held, both parties participating in it; and, on the first Tuesday of May, the present government was organized in all its departments, and went into operation. The question now recurs,

*Was the people's constitution, in fact, adopted by a majority of the adult citizens of the State of Rhode Island?*

It has been alleged by the supporters of the charter government of Rhode Island, and has been reiterated on the floor of the House of Representatives during the present session, by the Representatives from the State of Rhode Island, that the people's constitution did not in fact receive a majority of the votes of the adult male citizens of the State, and that the apparent majority in its favor was obtained by fraud. The committee deemed so grave an allegation from such a source worthy, at least, of their careful consideration; and they have duly weighed the question, whether the people's constitution did in fact receive the majority claimed for it? And, upon that question, they have come to an affirmative conclusion; and they now submit the reasons on which it is based. They are as follows:

1. They have carefully examined the votes given on the question of its adoption, and all the registers of the names of the voters, and the certificates



of the number of the votes given in all the towns in the State. Each vote is signed by the name of the voter, and each proxy vote is signed by the name of the person receiving it, as a witness. This additional authentication rendered the proxy vote doubly susceptible of legal proof, and, in the estimation of the committee, an equally, if not more, solemn declaration of the will of the voter. According to the count of the committee, 14,001 citizens voted on the question of the adoption of the people's constitution—13,955 being in favor of, and 46 against its adoption. According to an estimate, (marked O in the case of Martin Luther, appendix No. 101.) admitted to be as nearly correct as possible, there were in 1840, 25,694 males in the State of the age of 21 years, including every description of persons. Excluding aliens, insane persons, &c., there were left 22,694 persons who were citizens of the State. By this estimate, which cannot be considered to favor the side of the people, it appears that the people's constitution received a plurality of 2,211 of all the male population of the State of every description, of the age of 21 years; and a plurality of 5,216 of all those persons estimated to be citizens of the State. Here then, at least, was strong *prima facie*, if it were not conclusive, evidence of the fact that the people's constitution was adopted by a majority of the people of the State. It is sustained by the strongest positive proof.

2 It is corroborated by the fact, indisputable and admitted on all sides, that the landholders' constitution, intended by the charter government as a substitute for the people's constitution, was voted down by a majority of 676 authorized to vote under its provisions. If the people were not in favor of their own constitution, why did they reject this? The committee are aware that it is alleged, without proof, that the landholders themselves united with the people, and voted down their own constitution. And it is alleged, with equal plausibility, on the other side, that many of the friends of the people's constitution, desiring an amicable settlement of the question, voted for the landholders' constitution, which made very liberal concessions in relation to suffrage. The allegations are of equal weight and plausibility, and balance each other, in the estimation of the committee. They, however, regard the fact that the landholders' constitution was rejected by the people as strong corroborative proof that they preferred the constitution which had received a majority of their suffrages.

3. The existing constitution received but 7,024 votes out of an adult male population of 22,694—aliens, &c., excluded; which number did not equal a majority of those who voted in the first election held in pursuance of its provisions.

These facts seem irresistibly to support the conclusion, that the people's constitution received the suffrages of a decided majority of the adult male citizens of the State. But there are other circumstances which maintain this conclusion.

4 After the vote upon the question of the adoption of the people's constitution had been taken, and the result ascertained, *a tender of the votes, registers, and certificates, was made to the General Assembly, accompanied with the request that that body would inquire into the fact of its adoption by a majority of the people.* As before stated in this report, 4,925 of the freemen themselves, constituting a decided majority of their class, voted for the people's constitution; their names were registered, under the charter laws, in the towns in which they resided. It was therefore susceptible of the clearest proof, whether or not that portion of the votes were genuine. The remainder, 9,026, being "non-freemen," were named on the registers of the several

towns as residents in those towns, and their votes were in existence, signed with their own names. It was, therefore, not a difficult thing to show whether these voters were genuine or not. *But the charter authorities obstinately refused to take this simple method to put the question at rest forever.* (See exhibit L a, case of Martin Luther, appendix, No. 92.)

5. Another opportunity was presented to the existing government of the State of Rhode Island to disprove the fact that the people's constitution had been adopted by a majority of the adult citizens of the State. As herein before stated, at the commencement of this investigation by the committee, notice was duly given to the Executive of Rhode Island, and to the members of the House of Representatives from the State, (Messrs. Cranston and Potter,) to attend its examinations. And when the committee proceeded to examine and count the votes, the members before mentioned were respectfully notified and requested to attend the examination, and make such objections, and take such exceptions, as they might deem proper. But neither the Executive of the State, nor its representatives before mentioned, have attended in person, or by agent, any meeting or examination of the committee.

There were, then, at least two opportunities for the charter government, and its successors, either to confirm the fact that the people's constitution had received a majority of the votes of the people, or to disprove it, and cover its advocates with shame and disgrace, and thus put an end to the question forever. They declined both these opportunities. After this, the mouths of the opposers of the people's constitution should be forever closed, and their tongues silent, in regard to the fact of its adoption by the majority of the people; and they should henceforth rely upon the more manly and honorable, but, in the opinion of the committee, untenable position, that the people could not move in the matter without the consent of the then existing authorities of the State; and, therefore, notwithstanding a majority voted in favor of the constitution, the act was illegal, and the constitution was a nullity.

An impartial regard for truth compels the committee here to state, that allegations were made, through one of its members, that many of the votes given for the people's constitution, in the town of Newport, were, according to its own provisions, fraudulently received. A list was presented to the committee, containing the names of aliens, persons non resident, soldiers of the United States, persons at sea, minors, and persons alleged to have voted twice, whose votes were received in favor of the constitution. The committee made careful examination of the votes and registers of the town, and found nearly all of the names of the persons alleged to be foreigners, and many of the names of the other descriptions of persons on both votes and registers. How many were actually of the classes named, the committee had no means of ascertaining, as no proof was offered in relation to them. One of the witnesses, (Mr. Harris,) however, states that the allegations, in part, are true, and that the votes of foreigners and soldiers were received; and that there might have been two or three hundred votes received which ought not to have been received. The lists alleged to be fraudulent contain over five hundred names. The committee believe that the illegal votes do not equal that number; but, if the whole vote of the town of Newport (1,203) were rejected, there would still be left a large majority of the citizens of the State in favor of the people's constitution.

It is due also to truth to remark, that no other allegation of fraud, bearing any specific or tangible form, has been made against the authenticity of the vote in favor of the people's constitution.

The committee now approach the main question involved in the controversy, which is—

THE RIGHT OF THE PEOPLE TO ALTER AND REFORM EXISTING FORMS OF GOVERNMENT.

In the opinion of this committee, on the question whether or not the people of Rhode Island had the right, of their own sovereign will, independent of, and without the consent of, the existing authorities of the State, to change, alter, reform, or abolish the government deriving its power under the charter of King Charles the Second, turns the whole controversy involved in the late attempt to establish a republican constitution, and form of government under it, in that State.

If the sovereign power of the State—by which is understood that inherent, original, and ultimate power, which is supreme over all constitutions and all laws, and from which all political organizations, constitutions, and laws must emanate—do not in fact reside in the people, but in the political organization thereof; or, in other words, the existing authorities, as contended for by the advocates of the charter government—then was the act of the people of Rhode Island, establishing the people's constitution, void, and the constitution a nullity. According to this theory, it would have been void if it had received the consent of every individual in the State.

But, if the sovereignty of the State do reside in the people, and not in its political organization, or its authorities actually existing, then was the adoption of their constitution a rightful act, and the constitution itself of full force, and binding on all constituted or legal authorities, and all persons then existing and residing in the State, until abrogated by an act equally as solemn as that by which it was established. Their sovereign will was omnipotent; and all organized forms of government, all authorities, and all laws, were bound to give way and yield to its behests.

Does the sovereignty of a State reside in the people?

The committee cannot here forbear expressing their astonishment, that within the period of seventy years from the date of the American Revolution, they should be called upon to vindicate, by argument, the great principle on which that revolution turned, and which was proclaimed to the world in the solemn and impressive eloquence of the declaration of independence. The denial of the absolute sovereignty of the people in this free country, and in this age of enlightenment, in regard to political rights, is so novel, so daring, and so audacious, as for a moment to paralyze the energies of thought, and upset all settled and preconceived notions of the rights and power of the people, and the nature and authority of the government which it has been heretofore supposed they could set up and pull down by any authentic act of their sovereign will. The fact, therefore, that opinions so hostile to the liberties and happiness of mankind are becoming so prevalent as to be openly and boldly expressed, not only by persons high in official stations, but by a distinguished individual (and many of his adherents) who is now aspiring to the proudest office in the gift of the American people, renders it necessary that the important doctrine of popular sovereignty be reviewed, and again re-asserted by those who desire the maintenance of popular institutions, and the perpetuation of liberty itself.

The committee now proceed to consider the question above stated. They do not intend to theorize themselves, nor to enter into elaborate argument upon the great question which they now propose to consider. Mainly in place of their own opinions and reasoning, they prefer to give, as entitled to



far greater respect and weight, the views and opinions of eminent writers on popular rights, and of the fathers of American liberty and independence; and the practical exposition which has been given to the doctrine of popular sovereignty by the framers of a large majority of the constitutions of the several States, and of the highest judicial and legislative authorities of the Union.

But, before proceeding to give the authorities on which they base their own opinions, and the right of the people of Rhode Island to abolish, by an act of their inherent sovereignty, the government then existing in that State, and to establish another in its place, the committee will state briefly the different theories entertained at the present day in relation to the head or depository of the sovereign power of a State.

In absolute governments, it theoretically resides in the monarch, from whom all power, law, authority, honor, and distinction are supposed to emanate. This theory entirely excludes the people from all voice or participation in the government, except as agents and subjects. They are used as mere instruments to execute the will of the supreme head, or regarded as subjects bound to obey.

In mixed governments or constitutional monarchies, like that of Great Britain, the sovereignty of the nation is supposed to reside in the Crown, which is the representative of the king, lords, and commons—in other words, it is held to reside in the *political organization* of the State. According to this theory, the people, as such, have no sovereign rights; they cannot change the fundamental law of the empire, or its form of government, of their own sovereign will; but such change or alteration can only be done by the parliament, or legislature, with the assent of the king, or executive head.

The republican theory differs radically and fundamentally from the two just stated. It holds that sovereignty is vested not in a single individual who happens to be at the head of the nation, nor in its political organization, or constituted forms of government, but in the people themselves, by whom, and for whose protection and welfare, all government is, or should be, instituted. It holds that the sovereign power belongs to the whole people, of which each individual is joint tenant with his fellows, and an equal sharer in the political sovereignty of the State. Before the Revolution, the sovereign power was lodged with the King of England. He was the sovereign, and the people of the colonies the subjects. When the separation took place, the sovereign power was remitted from the king—who held it not by concession, but by usurpation and force—to the people, to whom it always rightfully belonged. They were then, in fact, as well as theory, the sovereign; and all existing forms and institutions of government, and those afterwards to be instituted, were the instruments or means in their hands by which they secured and perpetuated their liberty, safety, and happiness. They can, therefore, at all times, and in any manner they may think proper, alter, reform, or abolish existing forms of government, and institute other forms in the places of those they abrogate, whenever they deem such an act necessary for the perpetuation of their liberty, safety, or happiness. That this is the American theory, and the principle on which the existing political systems of the American Union are founded, the committee will now proceed to show by the following

#### *Authorities.*

They will first cite the Declaration of Independence, which is the first solemn and authentic assertion of the principle contended for. It says—

"We hold these truths to be self evident, that all men are created equal ; that they are endowed by their Creator with certain inalienable rights; that among them are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, *deriving their just powers from the consent of the governed* ; that when any form of government becomes destructive of their ends, *it is the right of the people* to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its power in such forms, as to *them* shall seem most likely to effect their safety and happiness."

As before remarked, this was the first authentic and solemn promulgation of the American theory of government.

The committee are not unaware that it is objected, by the opponents of the doctrine of popular sovereignty, that the sentence just quoted from the Declaration of Independence was only the mere assertion of the *right of revolution*. Such a construction cannot be admitted, nor is it consistent with reason and common sense. If the right of revolution was only intended to be asserted by the illustrious signers of the document just quoted, they asserted only a right which is everywhere admitted, and everywhere exercised, wherever the people have the power and the will to exercise it. It is a right which belongs to the oppressed in every land and clime, to every age and nation—as much to the people of Russia, of Turkey, or of China, as to the free-born citizens of America. Its exercise always implies force, and, if successful, it is illustrated with the honors of patriotism ; but if unsuccessful, it is stigmatised with the epithet of rebellion, and covered with the disgrace of treason. The fathers of the American Revolution, when they asserted the great right of the people "to alter and abolish" the existing government when it was perverted to the purposes of tyranny, or failed to answer the ends for which it was instituted, and maintained that right with their toil and blood, could never have intended that it was nothing more than the right which the oppressed people of England, the serfs of Russia, or the slaves of Turkey enjoy, and may exercise whenever they have the power and will to do it. They could never have contemplated any such absurdity; but they intended to assert that it was an inherent right in the people, which they could at all times *peaceably* exercise, whenever it became necessary for their security and happiness. They were founding an empire whose government was to exist in the consent and for the benefit of the people; and they were asserting a right which would enable the people to reform that government, when, from any cause, it became necessary, peaceably, and without bloodshed and violence. They proclaimed that the people in their political capacity are above all laws, and all constituted forms of government, which were their own creations, and which they could mould and reform at pleasure. Such is the principle which the committee believe was intended to be asserted by the signers of the Declaration of Independence; and in this view they rejoice, for the cause of liberty, and for the welfare of the human race, to find themselves sustained by many illustrious commentators on the American theory of government, and the founders of most of the constitutions of the several States of the Union. They proceed now to cite the additional authorities on which they rely; and they first quote the "father of his country," who, in his Farewell Address, says :

"The basis of our political systems is the right of the *people to make and alter* their constitution of government ; but the constitution which at any

time exists, till changed *by an explicit and authentic act of the whole people*, is sacredly obligatory upon all."

Mr. Jefferson says :

"It is not only the *right*, but the *duty of those now on the stage of action*, to change the laws and *institutions* of government, to keep pace with the progress of knowledge, the light of science, and the amelioration of the condition of society. Nothing is to be considered unchangeable, but the inherent and inalienable rights of man."

Justice Iredell, of the Supreme Court of the United States, in speaking of the difference between the principles of the European Governments and those of our own, (3d vol. Elliot's Debates,) says :

"Our Government is founded on much nobler principles. The people are known with certainty to have originated it themselves. Those in power are their servants and agents ; and the *people, without their consent*, may remodel the Government whenever they think proper, not merely because it is oppressively exercised, but *because they think another form is more conducive to their welfare*."—*Story's Commentaries*, vol. 1, p. 326.

Hamilton says, (Federalist, No. 22 :) :

"The fabric of American empire ought to rest on the solid basis of the *consent of the people*. The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority."

Jay, Chief Justice of the Supreme Court of the United States, says :

"At the Revolution, *the sovereignty devolved on the people*, and they are truly the sovereigns of the country ; but they are sovereigns without subjects, (unless the African slaves among us may be so called.) and have none to govern but themselves : the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."—2 *Dallas's Reports*, 419.

Marshall, Chief Justice of the Supreme Court of the United States, says :

"It has been said that the people had already surrendered all their powers to the State sovereignties, and had nothing more to give. But, surely the question whether they may resume and modify the powers granted to government does not remain to be settled in this country."—4 *Wheaton's Reports*, 405.

Justice Wilson, a signer of the Declaration of Independence, a member of the convention of 1787, which framed the Constitution of the United States, and afterwards a Judge of the Supreme Court of the United States, says :

"Of the right of a *majority of the whole people* to change their government *at will*, there is no doubt."—1 *Wilson*, 418; 1 *Tucker's Black. Comm.*, 165, cited 324 p., vol. 1, *Story's Comm.*

Again, the same judge says :

"Permit me to mention one great principle—the *vital principle*, I may well call it—which diffuses animation and vigor through all the others. The principle I mean is this : that the supreme or sovereign power of the society resides *in the citizens at large*; and that, therefore, they *always retain* the right of abolishing, altering, or amending their constitution, *in whatever manner* they shall deem expedient."—*Lectures on Law*, vol. 1, p. 17.



Again, he says :

"Perhaps some politician, who has not considered with sufficient accuracy our political systems, would answer, that, in our government, the supreme power was vested in the constitution. This opinion approaches a step nearer to the truth, (than the supposition that it resides in the legislatures,) but does not reach it. The truth is, that, in our government, the supreme, absolute, and uncontrollable power *remains* in the people. As our constitutions are superior to our legislatures, so the people are superior to our constitutions. Indeed, the superiority in this last instance is much greater; for the people possess, over our constitutions, control in *act* as well as right."—*Works, vol. 3, p. 292.*

Again, he says :

"The consequence is, that the people may change the constitution *whenever and however* they please. This is a right of which no positive institution can deprive them.

"These important truths, sir, are far from being merely speculative; we, at this moment, speak and deliberate under their immediate and benign influence. To the operation of these truths we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world—a gentle, a peaceful, a voluntary, and a deliberate transition from one constitution of government to another, (from the confederation to the constitution of the United States) In other parts of the world, the idea of revolution in government is by a mournful and indissoluble association, connected with the idea of wars, and all the calamities attendant on war.

"But happy experience teaches us to view such revolutions in a very different light—to consider them as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind.

"Ofi have I viewed, with silent pleasure and admiration, the force and prevalence through the United States of this principle,—that the supreme power resides in the people, and that they never part with it. It may be called the *panacea* in politics. If the error be in the legislature, it may be corrected by the constitution: if in the constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government, if the people are not wanting to themselves."—*Wilson's Works, vol. 3, p. 293.*

Again :

"A revolution principle certainly is, and certainly should be, taught as a principle of the constitution of the United States, and of every State in the Union. This revolution principle—that, the sovereign power residing in the people, they may change their constitution and government whenever they please—is not a principle of discord, rancor, or war; it is a principle of melioration, contentment, and peace,"—*Wilson's Lect., vol. 1, p. 21.*

Again :

"As to the people, however, in whom the sovereign power resides: from their authority the constitution originates; in their hands it is as clay in the hands of the potter; they have the right to mould, to preserve, to improve, to refine, and to finish it as they please. If so, can it be doubted that they have the right likewise to change it?"—*Vol. 1. p. 410.*

Again :

"The dread and redoubtable sovereign, when traced to his ultimate and genuine source, has been found—as he ought to have been found—in the free and independent man. This truth, so simple and natural, and yet so neglected or despised, may be appreciated as the first and fundamental principle in the science of government."—*Lectures on Law*, vol. 1, p. 25.

And again :

"A proper regard to the *original*, and *inherent*, and *continued* power of the *society to change its constitution*, will prevent mistakes and mischief of a very different kind. It will prevent giddy inconstancy ; it will prevent unthinking rashness ; it will prevent unmanly languor."—*Wilson*, vol. 1, p. 420.

Justice Patterson, of the Supreme Court of the United States, says :

"The constitution is the work of the people themselves, in their original, sovereign, and unlimited capacity." "A constitution is the form of government delineated by the mighty hand of the people," is "paramount to the will of the Legislature," and is liable only "to be revoked or altered by those who made it."—11 *Dallas's Rep.* p. 304.

The Supreme Court of the United States says, by Marshall, Chief Justice :

"That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion ; nor can it, nor ought it to be frequently repeated."—1 *Cranch* 157, cited 431 *Story Com.* vol. 3.

Rawle, an able commentator on the constitution, says :

"Vattel justly observes, that the perfection of a State, and its aptitude to fulfil the ends proposed by society, depend upon its constitution. The first duty to itself is to form the best constitution possible, and one most suited to its circumstances ; and thus it lays the foundation of its safety, permanence, and happiness. But the best constitution which can be framed with the most anxious deliberation that can be bestowed upon it, may, in practice, be found imperfect and inadequate to the true interests of society. Alterations and amendments then become desirable. *The people retain—the people cannot, perhaps, divest themselves of the power to make such alterations.* A moral power, equal to and of the same nature with that which made, alone can destroy. *The laws of one legislature may be repealed by another legislature*, and the power to repeal them cannot be withheld by the power that enacted them. *So the people may, on the same principle, at any time alter or abolish the constitution they have formed.* This has been frequently and peaceably done by several of these States since 1776. If a particular mode of effecting such alterations has been agreed upon, it is most convenient to adhere to it, but it is not *exclusively binding*."—*Rawle on the Constitution*, p. 17.

Justice Story, of the Supreme Court of the United States, says, in his Commentaries on the Constitution :

"The declaration puts the doctrine on the *true ground*—that govern-

ment derives its powers from the *consent* of the governed. And the people have a right to alter it," &c.—p. 300, *vol. 1*.

Again, Judge Story, speaking of the Declaration of Independence, says:

"It was not an act done by the State governments then organized, nor by persons chosen by them. It was emphatically the act of the whole people of the united colonies, by the instrumentality of their representatives chosen for that among other purposes. It was an act not competent to the State governments, or any of them, as organized under their charters, to adopt. Those charters neither contemplated the case, nor provided for it. It was an act of original inherent sovereignty by the people themselves; resulting from *their right to change the form of government, and to institute a new government, whenever necessary for their safety and happiness.*"—*Story's Com. on the Constitution*, vol. 1, p. 198.

Again, commenting upon the origin of the Congress of 1774, he says:

"In some of the legislatures of the colonies, which were then in session, delegates were appointed by the popular, or representative branch; and in other cases they were appointed by conventions of the people in the colonies. The convention of delegates assembled on the 4th of September, 1774; and having chosen officers, they adopted certain fundamental rules for their proceedings.

"Thus was organized—under the auspices, and with the consent of the people, acting directly, in their primary, sovereign capacity, and *without the intervention of the functionaries to whom the ordinary powers of government were derived in the colonies*—the first general or national government.

"The Congress thus assembled exercised, *de facto* and *de jure*, a sovereign authority—not as the delegated agents of the government *de facto* of the colonies, but in virtue of original powers derived from the people."—*Story's Com. on the Constitution*, vol. 1, pp. 185, 186.

Mr. Paine, in his *Essay on the Rights of Man*, p. 184, contending for the right of the people to change or remodel their constitutions, without the consent of the existing government, says:

"Government has no right to make itself a *party* in any debate respecting the *principles or modes* of forming or of *changing* constitutions. It is not for the benefit of those who exercise the powers of government that constitutions, and the governments issuing from them, are established. In all those matters, the *right* of judging and acting are in those who *pay*, and *not* those who *receive*."

Again, he says:

"A constitution is the *property* of a *nation*, and *not* of those who exercise the government."

Again, p. 185, he says:

"The laws which are enacted by governments control men only as individuals; but the nation, through its constitution, controls the whole government, and has a natural ability so to do. The *final controlling power*, therefore, and the *original constituting power*, are one and the same power."

It may be contended that the authorities above cited refer only to the right of the *whole* people to form or remodel their constitutions—that when



the political compact has been once formed, it cannot be changed by a *majority* of the people, unless expressly stipulated in the compact, but must be changed by the act of the whole people, or such part of them to whom the right is expressly reserved in the compact (or constitution) itself.

The committee do not agree to this limit of the power of the majority. All social and political compacts are formed for the "greatest good of the whole number." It cannot be supposed that any compact of society, or government, was ever entered into by persons possessing the same equality of right as they must be supposed to possess in the state of nature, with the express object of securing a greater portion of power and privilege to the minority than the majority enjoyed. That could not be the design of social compacts, nor of constitutional compacts. The democratic theory of government is, that the majority shall govern. That is the theory on which is founded the whole American system of government. Constitutions are adopted to prescribe the rules by which the power of the majority shall be exercised. They provide certain organizations and modes through which the power of the majority shall be expressed in legislation and in the administration of government, that its action may be consistent, regular, certain, and moderate. But it should never be forgotten that these very constitutional limitations are the work of the majority. The sovereign will of the majority spoke those constitutional limitations into being; and it can alter them, modify them, repeal them, and substitute others in their place. That the majority should possess this right, is most obvious to reason. Political power, from numerous causes, may pass from the many to the few. By the local changes of population, it may be thus transferred. It is, in some degree, inseparable from representative forms of government, and more particularly when representation is apportioned to territory, (as it was in Rhode Island under the charter, and as it is in many of the States of the Union,) and not to population.

By the power of *construction*, which those possess who administer the Government, it may be perverted from the original purpose of its creation, into an instrument of oppression and injustice, even while retaining the republican form. Even great discoveries of science may so operate as to neutralize the wholesome action of Government, by concentrating power in the hands of a few, and thus rendering necessary a new adjustment of it. To counteract these tendencies of the powers of government to pass from the many to the few, it becomes necessary that the right of reform should ever exist in the majority. It is the living principle of free government, without which it could not long exist, but would inevitably become a prey to usurpation, and the instrument of despotism. Therefore, when a government is perverted from the true and legitimate purpose of its institution, or from any cause becomes burdensome and oppressive, the majority should always have the right to reclaim the power thus abused, and, by introducing new checks and limitations, and making new distributions of it among its administrators, to secure its just and equitable administration.

It is indeed contended, that, when the political compact is once formed, it is a contract, and cannot be changed without the consent of every individual who is a party to it. However plausible this proposition may be in the statement, its logic cannot bear the test of analysis. The political compact, like all others, is to be tested by the obvious meaning and intention of the parties to it. And what is the intention of the parties to the political compact? It is, to secure to those entering into it the full and complete

enjoyment of life, liberty, and the right to seek their own happiness, not only for the present, but for all future time. With a full knowledge of the facts, that all things connected with human affairs are ever progressing and ever changing—that forms of government established at one time may, by the lapse of time, and the change of circumstances, cease to be adapted to attain the ends of the political compact—those who enter into it cannot, at the time, suppose that its terms and forms are not to change with the changes of society. If such were the understanding, they will have stipulated for the absurdity, that, while all other things connected with human affairs are subject to vicissitude, instead of conforming to the new conditions of society, the terms of the political compact are to be immutable and perpetual. But such could not have been the meaning of the original parties to it, supposing such an original compact of society ever to have been formed. On the other hand, it is reasonable to presume that it is one of the implied conditions of the social or political compact, that it shall be subject to all changes which may be necessary to make it conform to the new conditions of society, and to secure the object of its original formation. This is the voice of nature, of reason, of true philosophy. The dead cannot bind the living; and, therefore, when any compacts or institutions of the dead become burdensome or oppressive to the living, the latter may alter or abolish such compacts or institutions, and form others that will secure to them the enjoyment of the rights to which they are, by nature, entitled. A contrary doctrine would perpetuate the errors and imperfections of government throughout all time. Besides, it may be safely assumed that the social or political compact was formed (if the theory was ever true in fact) upon the principle of the majority,—that is, that the majority, having the power, prescribed the terms of the compact. It is not reasonable, therefore, to suppose that the majority, by whose consent the compact was originally formed, would yield up the powers to which they were by nature entitled, to the minority. And it is incumbent on those who assert a contrary doctrine to prove that such was the fact. It is incumbent on them to show that, in all communities where the minority actually possess and exercise the political power, and the majority are excluded from it, such exclusion is *with the consent* of the majority, and not the result of fraud, usurpation, or force, against their consent. On the other hand, it is always to be presumed that, in all communities in which the minority possess and exercise the political power, and the majority are excluded from it, it is not with the consent of the majority, but is the result of fraud, usurpation, or force, until the contrary be proved.

But the committee are not without authorities to sustain their views on this point. They again quote Judge Story, who says :

“The understanding is general, if not universal, that, having been adopted by a *majority* of the people, the constitution of the State *binds the whole community, proprio vigore*, (by its own innate power,) and is unalterable, unless by the consent of a *majority* of the people, or *at least* by the qualified voters of the State, in the manner prescribed by the constitution, or *otherwise provided by the majority*. No right exists, or is supposed to exist, on the part of any town or county, or any organized body within the State, *short of the whole people* of the State, to alter, suspend, resist, or disown the operations of that constitution, or to withdraw themselves from its jurisdiction; much less is the compact supposed liable to interruption, or

suspension, or dissolution, at the will of any private citizen, upon his own notion of its obligations, or of any infringement of them by the constituted authorities. The only redress for any such infringements, and the only guaranties of individual rights and property, are understood to consist in the peaceable appeal to the proper tribunals constituted by the government for such purposes; *if these should fail*, by the *ultimate appeal* to the good sense and justice *of the majority*. And this, according to Mr. Locke, is the true sense of the original compact, by which every individual has surrendered to the majority of the society the right permanently to control and direct the operations of the government therein.”—*Story’s Comm.*, vol. 1, p. 305–6.

Mr. Chapman Johnson, a distinguished federalist of Virginia, in a speech in the Virginia convention in 1829–’30, says :

“But who is to judge whether the government has been adequate to the object of its institution? Who to judge of the manner of its reform? Surely the people who ordained it; the people, for whose happiness and safety it was instituted; the people, to a majority of whom the right of reform is declared unquestionably to belong;—the people are the sole exclusive judges. It is their duty, I admit, to listen with all deference and respect to the counsels of their wise men, who may tell them, ‘We have been long and attentive observers of the operations of your government; we have compared it with all the governments of the world, ancient and modern; we are satisfied it is the best that ever existed; we can demonstrate that it has fulfilled all the great ends of its institution; that it has secured you all the happiness and safety which it is the province of government to secure; and that an attempt to change it essentially is a wanton experiment, to make that better which is already good beyond the common lot of human institutions; it is to sport with the blessings of Providence, and encounter the imminent hazard of losing all that is valuable in practice, in the vain pursuit of all that is perfect in theory.’ After attentively and impartially considering all the arguments adduced to sustain these counsels, and carefully weighing every fact on which they rest, if convinced by them, it is a solemn duty to themselves, to posterity, and to all mankind, to reject all propositions to reform, to preserve a model of so much excellence as an example to the world, and as a rich inheritance to the generations that are to come. But, if they are not convinced; if, on the contrary, their judgments are satisfied that they have not enjoyed the degree of happiness and safety which good government ought to assure; that their government is not only imperfect in theory, but defective in practice; that its defects may be safely remedied, and its practical good much enhanced;—then there is but one answer which they can give to these counsels: ‘We acknowledge your experience, your wisdom, your virtue—the great superiority of your attainments, and the entire sincerity of your opinions; we admire the plain, candid, and manly language in which you have spoken disagreeable truths; we thank you—sincerely thank you—for the parental solicitude with which you have raised your warning voice. But you must allow that we, too, have some experience in the operations of our own government; that we have enjoyed its blessings, suffered its evils, and have some opportunity of judging whether the one may be abated, or the other increased. You must remember that you are endeavoring to prove to us, by rhetoric and logic, that we are prosperous and happy, when



our own senses, and the reflections of our own minds, have conducted us to a different conclusion ; ours is the stake in this government ; ours the loss, if ill should result ; ours the gain, if happiness should attend our reform ; ours, therefore, is the province to judge, and you must excuse us if, dissenting from your opinions, we feel bound to follow the dictates of our own judgments.'

"The people, then, Mr. Chairman, must judge for themselves, when the *casus fœderis* has occurred ; when the defects of the government require reform ; and, judging that time to have arrived, *the unquestionable right to reform belongs to the MAJORITY.*"—*Debates in the Virginia convention*, pp. 262, 263.

Mr. Locke, in his work on civil government, says :

"For where any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the *will and determination of the MAJORITY* ; for that which acts any community, being only the consent of the individuals of it, and it being necessary to that, which is one body, to move one way, it is necessary the body should move that way, whither the great force carries it, which is the consent of the majority ; or else it is impossible it should act or continue one body—one community— which the consent of every individual that united into it agreed that it should ; and so every one is bound by that consent to be concluded by the majority. And therefore we see that, in assemblies empowered to act by positive laws, where no number is set by that positive law which empowers them, the act of the majority passes for the act of the whole, and of course determines as having, by the law of nature and reason, the power of the whole ; and thus every man, by consenting with others to make one body politic under one government, *puts himself under an obligation to every one of that society to submit to the determination of the majority, and to be concluded by it.*"

Mr. Madison, in relation to the same subject, says :

"If we resort for a criterion to the different principles on which different forms of government are established, we may define a republic to be, or at least may bestow that name on, a government *which derives all its powers directly or indirectly from the great body of the people.*" \* \* \*

"It is essential to such a government that it be derived from the *great body of the society*, not from an *inconsiderable proportion* or a *favoured class* of it ; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their power, might aspire to the rank of republicans, and claim for their government the honorable title of republic.

"It is essential for such a government that persons administering it be appointed, either directly or indirectly, *by the people* ; and that they hold their appointment by either of the tenures just specified ; otherwise, every government in the United States, as well as any other popular government that has been, or can be, well organized, or well executed, would be degraded from the republican character."—*The Federalist*, No. 39.

These views are consistent with the universally received doctrine in relation to republican government,—that, in the formation of the social compact, the minority agree to submit to the will of the majority in the administration of its political concerns. The object of the social compact is the

mutual safety and security of all ; and it is ever to be presumed, whatever the fact may be, that the administration of its concerns will never be in violation of strict and impartial justice.

The committee will now cite another class of authorities—being no other than the declarations of right in the constitutions of twenty of the sovereign States of the Union. They follow :

*"All power is inherent in the people ; all free governments are founded in their authority, and instituted for their benefit. They have, therefore, an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it."*—*Constitution of Maine.*

"The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and blessings of life ; and, whenever these great objects are not obtained, *the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.*

"Government is instituted for the common good ; for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family, and any class of men ; therefore *the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same* when their protection, safety, prosperity, and happiness require it."—*Constitution of Massachusetts.*

"Government being instituted for the common benefit, protection, and security of the whole community, and not for the private interest or emolument of any one man, family, or class of men ; therefore, whenever the ends of the government are perverted, or public liberty manifestly endangered, and all other means of redress are ineffectual, *the people may, and of right ought to, reform the old, or establish a new government.*"—*Constitution of New Hampshire.*

"That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single man, family, or set of men, who are a part only of that community; and that the *community* hath an indubitable, unalienable, and indefeasible right to reform or alter government, in such manner as shall be by that community judged most conducive to the public weal."—*Constitution of Vermont.*

"That all political power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their benefit ; and that they have at all times an undeniable and indefeasible right to alter their form of government *in such manner as they may think expedient.*"—*Constitution of Connecticut.*

"That all power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government *in such manner as they may think proper.*"—*Constitution of Pennsylvania.*

"Through Divine goodness, all men have, by nature, the rights of wor-

shipping and serving their Creator according to the dictates of their consciences, of enjoying and defending life and liberty, of acquiring and protecting reputation and property, and, in general, of attaining objects suitable to their condition, without injury by one to another; and, as these rights are essential to their welfare for the due exercise thereof, power is inherent in them; and therefore all just authority in the institutions of political society is *derived from the people*, and established with their consent, to advance their happiness: and they may for this end, as circumstances require, from time to time, alter their constitution of government.”—*Constitution of Delaware.*

“1. That all government, of right, *originates from the people*, is founded in compact only, and instituted solely for the good of the whole.

“2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.”—*Constitution of Maryland.*

“That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that when any government shall be found inadequate or contrary to these purposes, a *majority of the community* hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, *in such manner as shall be judged most conducive to the public weal.*”—*Constitution of Virginia.*

“1. That all political power is vested in, and derived from, the people only.

“2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.”—*Constitution of North Carolina.*

“That all power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, *they have at all times* an unalienable and indefeasible right to alter, reform, or abolish their government, *in such manner as they may think proper.*”—*Constitution of Kentucky.*

“That all power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of those ends, they have at all times an unalienable and indefeasible right to alter, reform, or abolish the government, *in such manner as they may think proper.*”—*Constitution of Tennessee.*

“That *all men* are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety; and every free republican government being founded on *their sole authority*, and organized for the purpose of protecting their liberties and securing their independence,—to effect these ends, *they have at all times* a complete power to alter, reform, or abolish their government, whenever they may deem it necessary.”—*Constitution of Ohio.*

“That all power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times an unalienable and indefeasible right to alter or reform their government *in such manner as they may deem proper.*”—*Constitution of Indiana.*



"That all political power is *inherent in the people*, and all free governments are founded on their authority, and established for their benefit; and, therefore, they have at all times an unalienable and indefeasible right to alter or abolish their form of government, *in such manner as they may think expedient.*"—*Constitution of Mississippi.*

"That all power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness."—*Constitution of Illinois.*

"All political power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their benefit; and therefore they have at all times an unalienable and indefeasible right to alter, reform, or abolish their form of government, *in such manner as they may think expedient.*"—*Constitution of Alabama.*

"1. That all political power is vested in, and derived from, *the people.*

"2. That *the people* of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of *altering and abolishing their constitution* and form of government, whenever it may be necessary to their safety and happiness."—*Constitution of Missouri.*

"1. All political power is *inherent in the people.*

"2. Government is instituted for the protection, security, and benefit of the people; and they *have the right at all times* to alter or reform the same, and to abolish one form of government, and establish another, whenever the public good requires it."—*Constitution of Michigan.*

"That all power is *inherent in the people*, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness. For the advancement of these ends, they have at all times an unqualified right to alter, reform, or abolish their government, *in such manner as they may think proper.*"—*Constitution of Arkansas.*

An authority, in this case, better than all the foregoing, follows:

"II. THAT ALL POWER IS NATURALLY VESTED IN, AND CONSEQUENTLY DERIVED FROM, THE PEOPLE; THAT MAGISTRATES, THEREFORE, ARE THEIR TRUSTEES AND AGENTS, AND AT ALL TIMES AMENABLE TO THEM.

"III. THAT THE POWERS OF GOVERNMENT MAY BE RE-ASSUMED BY THE PEOPLE, WHENSOEVER IT SHALL BECOME NECESSARY TO THEIR HAPPINESS."—*Declaration of the convention of Rhode Island, called to ratify the constitution of the United States in 1790.*

Such are the opinions of the illustrious fathers of the republic, and such the declarations of the people of twenty States of the American Union!

They affirm, in the most emphatic language, that all political power is inherent in the people; that all free governments are instituted by them; and that they have the indisputable and indefeasible right to alter or abolish them, at such time, and in such manner, as they may deem proper. Did the eminent men whose opinions have been cited—did the people, when they inserted in their constitutions of State government, the declarations of right above cited, intend no more than to assert the *right of revolution*, which could be only maintained by force and bloodshed, which the people of all countries possess, and to which oppressed minorities even may and do resort? Was such the right they intended to assert and secure to themselves and their posterity? or, did they intend to assert their own inherent

sovereign right, which no power or authority could dispute, and which could be exercised peacefully, without violence, bloodshed, and slaughter?

But, on this question, we are not without practical example in our own history.

The constitution of the United States, whose beneficent influence is felt over the whole broad empire of the republic, was framed without the consent of any existing authority or government. The convention of 1787, which framed it, was called by the Congress of the United States, for the purpose of revising the articles of confederation. Instead of attending to that work, solely, it abandoned it altogether, and proceeded to frame an entire new system of government. One of the objections which was urged against the adoption of the federal constitution was, that the convention which framed it had transcended their powers, and therefore their work was without authority, and void. Mr. Madison, admitting the fact alleged to be true, defends the convention against the charge. He says the convention "had seen the *liberty assumed* by a *very few* deputies from a *very few* States, convened at Annapolis, of recommending a great and critical object, *wholly foreign to their commission*, not only justified by public opinion, but actually carried into effect by twelve out of thirteen States;" and then proceeds to remark:

"They (the members of the convention) must have reflected that, in all great changes of established governments, forms ought to give way to substance; that a rigid adherence in such cases to the former, would render nominal and nugatory the transcendent and precious right of the people to 'abolish or alter their government, as to them shall seem most likely to effect their safety and happiness,' since it is impossible for the people spontaneously and universally to move in concert towards their object; and it is therefore essential that such changes be instituted by some *informal* and *unauthorized propositions*, made by some patriotic and respectable citizen or number of citizens. They must have recollected that it was by this irregular and assumed privilege of proposing to the people plans for their safety and happiness, that the States were first united against the danger with which they were threatened by their ancient government; that committees and congresses were formed for concentrating their efforts, and defending their rights; and that *conventions were elected in the several States* for establishing the constitutions under which they are now governed. Nor could it have been forgotten that no little ill timed scruples, no zeal for adhering to ordinary forms, were anywhere seen, except in those who wished to indulge, under these masks, their secret enmity to the substance contended for. They must have borne in mind that, as the plan to be framed and proposed was to be submitted to the *people themselves*, the disapprobation of this supreme authority would destroy it forever; its approbation blot out all antecedent errors and irregularities."—*Federalist*, No. 40.

Thus was the present constitution of the Union brought into being by an irregular and unauthorized proceeding on the part of the convention which framed it. But the subsequent approbation and ratification of the people blotted out "all antecedent errors and irregularities."

This example does not stand solitary and alone in our annals. The people of the States of Tennessee, Michigan, and Arkansas, when those States were in the political condition of Territories, formed constitutions without the consent of Congress, and were admitted into the Union with the constitutions they had thus framed. On the part of those opposed to

their admission, it was objected that the people of those three Territories had not the right to adopt constitutions without the consent of Congress; and therefore the constitutions which they presented were unauthorized and void. On the other side, it was contended that, when they had the requisite number of inhabitants, the people of those Territories could, by an exercise of their own inherent sovereignty, frame constitutions, republican in form, and claim of Congress admission into the Union; otherwise, it was contended Congress, by refusing its consent, could forever prevent their forming constitutions, and prohibit their admission into the Union.

During the debate upon the admission of Michigan, in the Senate of the United States, Mr. Benton remarked that "conventions were original acts of the people. They depended upon inherent and inalienable rights. The people of any State may, at any time, meet in convention, *without a law of their legislature, and WITHOUT ANY PROVISION, OR AGAINST ANY PROVISION IN THEIR CONSTITUTION*, and may alter or abolish the whole frame of government as they please. The sovereign power to govern themselves was in the majority, and they could not be divested of it."—*Gales & Seaton's Debates*, vol 12, part 1, p. 1036.

The committee cannot forbear giving one more authority. In the convention which framed the present constitution of Virginia, a proposition was made to insert a clause providing a mode of its future amendment. The proposition was rejected, on the ground that a majority of the people had the power, at any time, and in any manner they pleased, to amend the constitution, or make a new one. The following is the vote by which the proposition was rejected :

*Ayes*.—Messrs. Smith, Miller, Baxter, Mercer, Fitzhugh, Mason of Frederick, Naylor, Donaldson, Boyd, McMillan, Campbell of Washington, Summers, Lee, Doddridge, Morgan, Campbell of Brooke, Wilson, Claytor, Saunders, Cabell, Stuart, Thompson, Joynes, Bayly, and Upshur.—25.

*Noes*.—Messrs. Barbour, (President,) Jones, Leigh of Chesterfield, Taylor of Chesterfield, Giles, Brodnax, Dromgoole, Alexander, Goode, Marshall, Tyler, Nicholas, Clopton, Anderson, Coffman, Harrison, Williamson, Baldwin, Johnson, McCoy, Moore, Beirne, Mason of Southampton, Trezvant, Claiborne, Urquhart, Randolph, Leigh of Halifax, Logan, Venable, Madison, Stanard, Holladay, Henderson, Osborne, Cooke, Griggs, Pendleton, George, Byars, Roane, Taylor of Caroline, Morris, Cloyd, Chapman, Mathews, Oglesby, Duncan, Laidley, Barbour of Culpeper, Scott, Green, Tazewell, Loyall, Prentiss, Grigsby, Campbell of Bedford, Branch, Townes, Martin, Pleasants, Gordon, Massie, Bates, Neale, Rose, Coalter, and Perin.—68.

Among those voting against inserting a provision in the constitution of Virginia, providing for future amendments, on the ground that the people have at all times the right to amend it in any manner they might deem proper, are the names of *John Tyler*, acting President of the United States, and of the late ex-President Madison, and Chief Justice Marshall.

Thus it appears to be the clearly understood doctrine of American sages and legislators, from the earliest history of the republic to the present time, *that the sovereign power of the State resides in the people of the State*; and that in the exercise of their sovereign power, the majority of the people can, in any manner, and at such time as they deem expedient, without the consent of existing authorities, and even against an express provision of a constitution once agreed to by them pointing out the mode, alter,



reform, or abolish their existing forms of government, and institute others in the places of those abrogated.

#### THE RIGHT OF SUFFRAGE.

But it is contended by the advocates of the charter government of Rhode Island, that the term "people" does not include the free white male resident citizens of the State of the age of 21 years, as contended for by the supporters of the people's constitution; but that it implies only the "legal" people, or those on whom the right of suffrage had been conferred by the charter government; in other words, the "freemen" of the State, who, as has been before seen, comprised but one third part of the white male citizens of the State, of full age.

The committee will now, with as much brevity as possible, give their views upon the question, *Who constitute the people of a State, in whom resides the sovereign power?* and, also, upon the right of suffrage which is involved in the question just stated. But, before passing to the consideration of those questions, they will stop for a moment to expose the absurdity of the theory advanced by the advocates of a royal charter, that the "legal" people only are invested with the sovereign power, and have a right to change the fundamental form of government.

Who were the "legal" people in Rhode Island? In 1663, when the charter was first granted, they were all such persons as the grantees of the charter might "admit free of the company." At another time, "the legal" man must possess a "competent estate;" at another time, he must be admitted to freemanship by the freemen of the several towns; at another time, he must possess a freehold worth £100; at another time, he must be the owner of a freehold of the value of £200; at another, his freehold must be worth £100. and then again £10, and again \$131; at another time, this freehold might be a mortgaged estate; at another, it must be free of incumbrance. At one time a certain period of residence was required in addition to the freehold. At another, a different period. Now, could the sovereign power be vested in men who were measured by such a changeable, capricious, and arbitrary standard, as these regulations imply? Could the right of suffrage depend upon such a variable and evanescent principle? But, to cap the climax of absurdity on the part of those who contend that the "legal" people only (in other words, the persons "admitted free of the company") were the sole possessors of the sovereign power, the charter assembly, by the act calling the convention which framed the existing constitution of the State, admitted persons who were not the owners of freehold estates to vote in the election of delegates to the convention, and afterwards on the question of the adoption of the constitution. Thus, at last, the "legal" people of the State became those who possessed a certain qualification of residence, and were not freeholders, nor freemen. It is an outrage upon reason to suppose that the sacred right of suffrage could depend upon such a variable standard—could be the victim of such ever changing caprice.

The committee will now give their own views upon the right of suffrage; relying more, however, upon the practical exposition of the right given by the framers of the American constitutions, than any abstract theories of their own.

They believe that the right of suffrage is a *natural*, not a *conventional* right, which attaches to the *man*, independent of the accidents of birth or fortune; of which right he cannot be divested, except by usurpation or force. It exists antecedent to the formation of the social union and the

political compact, and inseparably belongs to him as certain qualities inseparably belong to things. The very act of men's convening in the social compact, implies a prior exercise of the right of suffrage—the expression of voluntary choice or consent; for that is no more nor less than what is understood by suffrage. It attaches to the individual man, and not to his casual concomitants of high birth, talents, or fortune.

All men have by nature an equal right to life, liberty, and the pursuit of happiness. To secure the enjoyment of this right, they first form the *social union*, and then the political compact, or institution of government. When they meet in the social union, which is the intermediate state between a state of nature and the political compact, they meet on terms of perfect equality of right. But some possess qualities or things which others do not possess. Some have more property, some more talent, and some more physical strength, &c., than others enjoy; and they may insist that their voice, or share of influence, in the political compact which they are about to form, shall be in proportion to their property, their talents, or their physical strength. If these claims were obstinately persisted in, could the political compact ever be formed? Would the several possessors of those different qualities or things which they prefer as grounds of claim to superior power, agree among themselves as to the proportions they should enjoy? Would those who possessed no property and but a usual share of mental capacity and physical strength, agree that those who possessed more of those qualities should enjoy a greater influence in the political compact than themselves? It is plain, if the possessors of property, or the possessors of talent, or of physical strength, should insist that those things should entitle them to a proportionate share in the political compact, it never could be formed.

To illustrate the theory proposed. Suppose ten men accede to the social union, with a view to form a political compact. One brings with him more property than all the others; another brings with him more mental ability; and another, more physical strength; another, more mechanical skill; another, more general knowledge, &c. Now, if property were the basis of power, the possessor of that would enjoy more influence in the government to be established than all the others. The others would, in fact, possess no power, because their voices would be overbalanced by that of the owner of the property. Would he not, therefore, become the despot and oppressor of the community? And would not the same result take place if talent, or physical strength, or mechanical skill, or, in fact, any other quality or thing, were the rule of distinction? It is plain, therefore, that no qualities or possessions, which attach to the person, can be the measure of power in the government to be formed. If the right to political power cannot be attached to the things and qualities which men acquire, or accidentally possess, in what can it reside but in the man himself? All men have a natural right to life, liberty, and the pursuit of happiness. That right infinitely transcends all possessions which men may have. It is a right shared equally by all. All, therefore, should have an equal power to protect it. Hence all men should have an equal voice in the governments which they have instituted for the protection of their rights. Such a conclusion accords with the voice of justice, of reason, of common sense. The committee can never concede the principle, that one man shall have a voice in the government of a community, because he happens to possess property; and that another man shall have no voice in it, because he does not possess it. Riches and poverty are both the accidents of human life. Property may be acquired

by skill, inherited by descent, seized by fraud, or obtained by chance; and it may be lost by misfortune, or squandered by folly. Being a casual appurtenance to man, which may be attached to him to-day and detached to-morrow, it has no intrinsic claim to power, and should confer upon its possessor no additional weight in the body politic. A contrary doctrine degrades the man, and gives to things of his own creation, which possess neither intellect, sensibility, nor moral worth, an importance and consequence which are due only to the living immortal being, the image of the Deity—man himself—who possesses all those attributes.

Besides, property needs no factitious political influence for its safety and protection. It needs not, for its own preservation, to be recognised as a political element in the social compact; which is to speak, and act, and vote in the government of the community. It possesses in itself, and gives to its owner, a power independent of any political privileges with which it may be clothed. And the annals of the whole human race show, that whenever it has been united with political power, it has proved to be the enemy of freedom, and the friend and ally of injustice, oppression, and despotism. Our daily experience convinces us of the truth of the trite axiom, that "money is power." When aggregated in large masses, it has not only proved, in many instances, to be the tyrant and oppressor of the poor man, but it has openly and audaciously trampled upon the law, and set the power and authority of Government itself at defiance. It, therefore, needs not the assistance of political power for its preservation;—in other words, its possessor should have no greater voice in the government of the community, on the pretext that he needs it in order to protect his property, than he would have without it. Nor does he personally stand in so much need of the protecting shield of government as the poor man, for the very reason that his property gives him a factitious influence, which he who has none does not possess. He has more means in his hands to defend and protect himself from the encroachments and usurpations of government, and the oppression and violence of others, than the poor man. The poor man has just as much right to his liberty as the rich man; and the free and full enjoyment of the fruits of his honest toil is of more importance to him than the rich man's property to its possessor, because the former cannot live without the fruits of his labor. The poor man is subject to all the great burdens of the state to which the rich man is subject, and he cannot escape from their performance as the rich man can and does escape. He pays as much of the revenues of the government, in proportion to his means, as the rich man. He is subject to military duty, and, in periods of public danger, he is liable to be called upon to peril his life in battle for his country. The rich man, indeed, is subject to the same obligations; but his wealth enables him to escape personally from their performance. His wealth enables him to command others to perform the duty which society allots to him. Who fill the ranks of armies? It is mainly the poor. And who perform the prodigious labors which convert the forest into the field of culture? who build our dwellings, our towns, our cities, and our public works—in short, fill our country, and all countries, with monuments of utility, splendor, and magnificence? It is the man who toils—not he who lolls at his ease in opulence and luxury.

Wealth ever seeks an alliance with power, because power confers upon it honors and privileges. Hence, its possessors are generally in favor of those forms of government which concede honors and privileges to men



who possess wealth, and are opposed to those forms of government which, denying all artificial grounds for the bestowment of honors and distinction, confer them only on superior merit and virtue. All governments which recognise wealth as the basis (entirely or partially) of power, honors, and privileges, must depart from the strict principle of justice in the dispensation of their favors. Free governments, which repel the idea of wealth as an element of political power, recognise the political rights of all persons to be equal. They are, therefore, founded on the principle of exact justice to all men. They aim to secure to all persons composing the body politic, without regard to rank or wealth, an equal share of power, and an equal voice in the administration of the government. Such a government the poor man is interested in maintaining, because in its preservation he finds the only sure protection of his rights and liberties. While, on the other hand, the possessors of wealth are naturally inclined against free or republican governments, because they do not concede any peculiar honors or privileges to property; and they are naturally inclined to aristocratic or monarchical forms, because such governments do clothe property with honors, privileges, and political influence.

The extension of suffrage, therefore, to those who do not possess property, will not weaken, but will do much to strengthen free governments; because it places the government more directly in the power of those classes of the people who are most interested in maintaining it—the middle and laboring classes. Those classes see that their rights are safe only under a government which recognises in its administration the principle of exact justice to all, poor as well as rich. And, under such a government, it would not be difficult to show that property, in the general sense, is better secured to its possessors than under any other form; it being restrained, so far as human devices can restrain it, from encroachments on the rights of others.

But it may be asked, if all who belong to the political society shall have an equal voice in controlling its concerns, why are women and children excluded? Why is the right of suffrage to be confined to males over 21 years of age?

In relation to women, the answer is, that their interests are so intimately blended with those of men, it would be useless to give them a voice in the government. The Almighty himself, by making them weaker in person, has decreed their dependence on man. They are, therefore, with propriety, represented in the political concerns of society through the other sex, to whom their affections and sympathies are allied, and on whom they are dependent for protection. This exclusion is in accordance with the voice of nature, and the practice of all nations in all ages: it is in unison with the wishes and desires of women themselves, who prefer to wield the potent sceptre which sways the empire of the heart and the affections, to the rude encounter and turbulent passions of the political arena. Besides, it is a fact which will be generally conceded, that women reflect the political sentiments and feelings of their male relatives. And, if they did not, the difference of opinion which they would express at the polls would lead to domestic dissensions, which could not fail to lower the moral tone of the community. All enlightened women, therefore, have, with scarcely an exception, concurred in the propriety of those wise ordinances of society which have, with a tender anxiety for their welfare, rescued them from the contamination of political strife.

In regard to children, it is well known that they are dependent for nurture and protection upon their parents. In addition to their weakness of person, their intellects are undeveloped, and they have not the reason and judgment wisely to provide for their own interest and welfare. On account of this weakness of mind and person, resulting from the undeveloped state of both, they are exempted from the burdens and obligations of society, and are only held amenable to the natural and obvious laws of justice; and then not until they are of sufficient capacity clearly to perceive the distinction between right and wrong. In the progress of nature, there must be a period when this weakness must cease—when the minor becomes capable of perceiving his true interests, and of protecting himself. When arrived at his maturity of mind and person, Nature herself impels him to go forth from his paternal roof, and do for himself in the world. At what age does this weakness cease? At what period in his life is he the mature man? It is admitted that all the individuals of the race do not arrive at maturity at the same age; but there is an age when the majority do. What is that age? The nation from which we derive not only our origin, but our municipal laws and customs, and, it is believed, many other nations, have fixed it at 21 years. Adopting the judgment of our mother land, the people of this country have fixed the commencement of the mature man at the same age. He is then held to be capable of enjoying and exercising all the rights and duties which attach to the mature man in society; he is then held to be obliged by the contracts into which he enters; he then becomes the subject of taxation; in short, bears his share of all the burdens, and should participate in all the benefits, of society.

And such has been the practical decision of the founders of the American constitutions, as will appear by the following authorities, which are the provisions of the constitutions of a large majority of the several States of the Union, in relation to the right of suffrage:

*Authorities on the right of suffrage.*

“Every male citizen of the United States, of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for governor, senators, and representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot.”—*Constitution of Maine.*

“Every male citizen of twenty one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant governor, senators, and representatives, and who shall have paid, by himself or his parent, master, or guardian, any State or county tax, which shall, within two years next preceding such election, have been assessed upon him in any town or district of this commonwealth; and, also, every citizen who shall be by law exempt from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor and lieutenant governor, senators, and representatives; and no other person shall be entitled to vote in such election.”—*Constitution of Massachusetts.*

"Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of twenty one years of age and upwards, excepting paupers and persons excused from paying taxes at their own request, shall have a right, at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned, and holden annually, forever, in the month of March, to vote in the town or parish wherein he dwells, for the senators of the county or district whereof he is a member."—*Constitution of New Hampshire.*

"Every man of the full age of twenty one years, having resided in this State for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behavior, and will take the [required] oath or affirmation, shall be entitled to all the privileges of a freeman of this State."—*Constitution of Vermont.*

"Every white male citizen of the United States, who shall have gained a settlement in this State, attained the age of twenty one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector at least six months preceding, and have a freehold estate of the yearly value of seven dollars in this State; or, having been enrolled in the militia, shall have performed military duty therein for the term of one year next preceding the time he shall offer himself for admission; or, being liable thereto, shall have been, by authority of law, excused therefrom; or shall have paid a State tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector."—*Constitution of Connecticut.*

"Every male citizen of the age of twenty one years, who shall have been an inhabitant of this State one year preceding any election, and for the last six months a resident of the town or county where he may offer his vote; and shall have, within the year next preceding the election, paid a tax to the State or county, assessed upon his real or personal property, or shall by law be exempted from taxation; or, being armed and equipped according to law, shall have performed within that year military duty in the militia of this State: and, also, every male citizen of the age of twenty-one years, who shall have been, for three years next preceding such elections, an inhabitant of this State, and for the last year a resident in the town or county where he may offer his vote; and shall have been, within the last year, assessed to labor upon the public highways, and shall have performed the labor, or paid an equivalent therefor, according to law, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people. But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation, unless he shall be seized and possessed of such real estate as aforesaid."—*Constitution of New York.*

"In the elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote ten days immediately preceding such election, and within two years paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elec-



tor. But a citizen of the United States, who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the State six months: *Provided*, That white freemen, citizens of the United States, between the ages of twenty-one and twenty-two years, and having resided in the State one year, and in the election district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes."—*Constitution of Pennsylvania*.

"And in such elections every free white male citizen of the age of twenty-two years or upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every free white male citizen of the age of twenty-one years, and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax."—*Constitution of Delaware*.

"That all persons possessed of a freehold in any town in this State, and having a right of representation; and, also, all freemen who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons."—*Constitution of North Carolina*.

"Every free white man of the age of twenty-one years, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed at least six months before such election; *or, not having such freehold or town lot*, hath been a resident in the election district in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling towards the support of this Government, shall have a right to vote for a member or members to serve in either branch of the Legislature, for the election district in which he holds such property, or is so resident."—*Constitution of South Carolina*.

"That every free white male citizen of this State, and no other, above twenty years of age, having resided twelve months in the county next preceding the election at which he offers to vote; and every free white male citizen of this State above twenty-one years of age, and having obtained a residence of twelve months next preceding the election in the city of Baltimore, or the city of Annapolis, and at which he offers to vote, shall have a right of suffrage, and shall vote by ballot in the election of such county or city, or either of them, for delegates to the General Assembly, electors of the Senate, and sheriffs."—*Constitution of Maryland*.

"The electors of members of the General Assembly shall be citizens and inhabitants of this State, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months within the county."—*Constitution of Georgia*.

"In all elections for representatives, every free male citizen (negroes, mulattoes, and Indians excepted) who, at the time being, hath attained to the age of twenty one years, and resided in the State two years, or the county

or town in which he offers to vote one year next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or town in which he may actually reside at the time of the election, except as is herein otherwise provided."—*Constitution of Kentucky.*

"Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote, six months next preceding the day of election, shall be entitled to vote for members of the general assembly, and other civil officers, for the county or district in which he resides: *Provided*, That no person shall be disqualified from voting in any election on account of color, who is now, by the laws of this State, a competent witness in a court of justice against a white man."—*Constitution of Tennessee.*

"In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State one year next preceding the election, and who have paid, or are charged with, a State or county tax, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election."—*Constitution of Ohio.*

In all elections not otherwise provided for by this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who has resided in the State one year immediately preceding such election, shall be entitled to vote in the county where he resides; except such as shall be enlisted in the army of the United States, or their allies."—*Constitution of Indiana.*

"In all elections for representatives, every free white male citizen of the United States, who, at the time being, hath attained to the age of twenty-one years, and resided in the county in which he offers to vote for one year next preceding the election, and who, in the last six months prior to the said election, shall have paid a State tax, shall enjoy the right of an elector."—*Constitution of Louisiana.*

"Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last four months within the county, city, or town in which he offers to vote, shall be deemed a qualified elector."—*Constitution of Mississippi.*

"In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote, except in the county or district in which he shall actually reside at the time of the election."—*Constitution of Illinois.*

"Every white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last three months within the county, city, or town in which he offers to vote, shall be deemed a qualified elector: *Provided*, That no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State: *And provided, also*, That no elector shall be entitled to vote, except in the county, city, or town (entitled to separate representation) in which he may reside at the time of the election."—*Constitution of Alabama.*

"Every free white male citizen of the United States, who shall have attained the age of twenty-one years, and who shall have resided in this State

one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective offices: *Provided*, That no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State.”—*Constitution of Missouri*.

“In all elections, every white male citizen above the age of twenty one years, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the State at the time of the signing of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote except in the district, county, or township in which he shall actually reside at the time of such election.”—*Constitution of Michigan*.

“Every free white male citizen of the United States, who shall have attained the age of twenty-one years, and who shall have been a citizen of this State six months, shall be deemed a qualified elector, and be entitled to vote in the county or district where he actually resides, for each and every office made elective under this State or the United States: *Provided*, That no soldier, seaman, or marine, in the army or navy of the United States, shall be entitled to vote at any election within this State.”—*Constitution of Arkansas*.

The act of Congress of May 20, 1812, relating to the establishment of a Territorial Government in the Territory of Illinois, indicates the sense of that body in relation to the right of suffrage. The following is the provision of the act in regard to suffrage:

“Each and every *free white male person* who shall have attained the age of twenty-one years, and shall have paid a county or territorial tax and who shall have resided one year in said Territory previous to any general election, and be, at the time of any such election, a resident thereof, shall be entitled to vote for members of the Legislative Council, and House of Representatives for the said Territory.”

Such are the opinions of the people of twenty-three States of the Union in relation to the right of suffrage. The exposition of the right by the Congress of the United States accords with those opinions. The rule or principle which they establish is *age* and *citizenship*. To establish the fact of citizenship, they require residence, the payment of a tax, or the performance of some service; but none of them require a freehold estate as the *ultimate* condition of the enjoyment of the right of suffrage.

Thus has the practical exposition, by a vast majority of the people of this country, expressed through their constitutions and laws relative to suffrage, been in accordance with the laws of nature and of justice. And when this natural right has been disregarded in the political compact, it has *never* been done by the *voluntary consent* of those who have been deprived of it, as contended for by some, but by force and usurpation.

The course of reasoning which the committee have pursued, and the authorities they have cited, establish clearly to their own minds the two following propositions:

1st. *That the sovereign power of a State is inherent in the people; and that, in the exercise of that sovereign right, they may alter or abolish, in any manner they may deem proper, all existing forms of government, and ordain and establish other forms in the place of those which they abrogate.*



2d. That the (political) *people* include all *free white male persons*, of the age of twenty-one years, who are *citizens* of the State, are of sound mind, and have not forfeited their right by some crime against the society of which they are members.

*The people not fickle, unstable, and fond of change.*

The committee are not unaware of the objections which are urged by the enemies of popular sovereignty against the doctrine of the unlimited power of the people over the political organization of a State. They contend that, if generally admitted, it would unsettle the foundations of all governments; that the people are unstable, fickle, and fond of change; and that they would be constantly at work in the business of making and unmaking their governments. This assumption is contrary to our own experience in this country, and to the evidence of all history. So far from the people desiring change and instability, history proves that they are ever in favor of stability and permanency; and that they long bear the abuses, oppressions, and tyranny of government, before they resort to their ultimate right, which is *revolution*—by force, in despotic governments, and *reform*, through the peaceful exercise of their own inherent sovereign power, in commonwealths. This is the voice of all history, from the earliest periods of Greece to the present day. The secession of the people of Rome to the sacred mountain, the wonderful revolt of Massaniello in Naples, and the sanguinary and shocking revolution of 1790 in France, did not spring from the desire of change in a fickle people; but they had their origin in unfeeling, heartless, ruthless, and intolerable oppression on the part of their rulers, which goaded them to resistance and revenge. Having no voice in the governments under which they lived, they were driven to their ultimate power of MIGHT—in which exists the right of revolution, and all its terrible train of calamities. If they had enjoyed the peaceful *right of sovereignty*, (admitted to lie at the foundation of the political institutions of America,) would such wrongs have existed? Or, in the attempt to redress them, would such scenes have occurred to afflict and shock humanity? To charge instability, vacillation, and turbulence to the people, is to libel them, and to contradict the testimony of history; in accordance with whose voice, the immortal author of the declaration of independence has declared that “all experience has shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”

Although believing in the unlimited power of the people over all political organizations which they have themselves ordained, or which exist by their consent and sufferance, the committee do not hesitate to say that, when existing constitutions have pointed out the manner in which they shall be changed, it is better to make the changes which altered circumstances and the sinister construction of expounders and administrators of the powers of government may render necessary. But when the constitution provides no way by which the people can make the necessary alterations, (as is now the condition of the people of Virginia, and was the predicament of the people of Rhode Island under the charter,) they have no alternative but to make the proposed change in the manner which seems to them most expedient.

*The charter government had no power to authorize the adoption of a constitution.*

As has been before remarked in this report, there was no provision in the charter of Charles II by which the people could form a republican constitution. The authorities constituted by the charter had no power to form a new constitution themselves, or to authorize the people so to do. They did, indeed, possess *legislative* powers; but those powers were limited by the laws and customs of England. They could make no laws which were "contrary and repugnant unto the laws of this our realm of England." Did the King of England, when he granted the charter of 1653, intend to confer upon the grantees the power to form a *republican* constitution, which was then, and is now, contrary to the laws of England, and inconsistent with the whole system of aristocratic and monarchical government? The idea is absurd, and would be dismissed without ceremony if the advocates of the charter government were not driven to it as a veil, weak and flimsy as it is, to cover their own usurpations of power under the charter. Then, as the charter gave them no power to form a republican constitution, they had no legal power to form the existing constitution of the State, nor to authorize the people to vote for it. Therefore, according to the only plain and obvious construction of the charter, their act authorizing the people to establish the present constitution of the State was *illegal* and void. This is the necessary conclusion to which their own reasoning tends.

The people of Rhode Island did not pretend to proceed, in forming their constitution, according to law. They did not pretend that the act was *legal*, in the technical sense of the term. They did not even pretend that it was a *constitutional* act. They knew that sovereign authority precedes constitutional authority, and constitutional authority precedes legal authority. They knew that no constitution could be created, without the exertion of the sovereign power; and no law could be made, without the permission of the constitutional power. In forming their constitution, they resorted to a right which was above law—their own right of sovereignty. Their constitution, therefore, was the creation of themselves, through the exercise of their own inherent sovereign power. If the existing constitution of the State had not this sanction of the sovereign power of the people, it could never be the law of the land. That it had not, at its adoption, is proved by the fact that it did not receive the assent of a majority of the votes of the people.

If the people's constitution was adopted by a clear majority of the people of Rhode Island, it was thenceforward the supreme fundamental law of the State, until abrogated by an act of the people as solemn as that by which it was adopted. Whether registering their names, and voting in an election, (as a majority of the people undoubtedly did,) under the existing constitution, is an act equivalent to the abrogation of the people's constitution, and the adoption of the present constitution, the committee do not deem it necessary now to decide; although, in a resolution which they propose to report to the House, they, for the purpose of harmonizing conflicting opinions, assume it to be the fact. That the people's constitution was once the supreme law of the State of Rhode Island, and that the government established under it was the legitimate constitutional government of the State, entitled to recognition by the General Government of the United States, and the guaranty

of the constitution ; and that it remained so, until forcibly put down and suppressed by the charter government of the State, (then existing by usurpation,) through the intervention of the President of the United States, with the military power of the Union, the committee do not entertain a doubt. The fact and the right of that intervention will be now considered.

INTERVENTION OF THE PRESIDENT OF THE UNITED STATES, WITH THE MILITARY POWER OF THE UNION, BY WHICH THE PEOPLE'S CONSTITUTION WAS SUPPRESSED.

Before considering the evidence tending to establish the fact of the President's intervention, it will be proper to state, that the President was duly informed of the adoption of the people's constitution by a majority of the people of the State of Rhode Island, by a letter from the secretary of the people's convention, enclosing the report of the committee appointed to canvass the votes, as appears by paper No. 32 accompanying his late message, (House Document No. 225 ;) and also of the organization of the government under the people's constitution, by a communication of Thomas W. Dorr, who had been elected to the office of governor under that constitution, enclosing the resolutions of the General Assembly passed at its session in May, 1842, requesting him to inform the President of the United States of the organization of the government under said constitution. (See appendix, No. 170.)

The President, therefore, was officially advised of the fact that the people's constitution had been adopted by a majority of the people of the State, and that a government had been duly organized under it.

The committee now come to the inquiry into the alleged fact of the President's interference.

At an early stage of the investigation, the committee reported to the House a resolution calling on the President to report to the House the authority on which he deemed it his duty to interfere in the late difficulties in Rhode Island, and all papers, orders, &c., relating to such interference ; which resolution was adopted.

In reply, the President says : " I have to inform the House that the Executive *did not* deem it his duty to interfere with the naval and military forces of the United States in the late disturbances in Rhode Island ; that no orders were issued by the Executive, or any of the departments, to military officers, for the movement or employment of troops in Rhode Island, other than those which accompany this message, and which contemplated the strengthening of the garrison at Fort Adams ; which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious."

Further on, the President says : " That ' requests and applications ' were made to the Executive to fulfil the guarantees of the constitution, which impose on the Federal Government the obligation to protect and defend each State of the Union against ' domestic violence and foreign invasion ; ' but the Executive was at no time convinced that the *casus fœderis* had arisen which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island."

The President admits that at " no time " was he convinced that the *casus fœderis* had arisen which would justify his interference in the controversy



which existed among the people of Rhode Island; but that the movement of troops to Rhode Island contemplated nothing but the "*strengthening of the garrison at Fort Adams.*" The committee will now submit a plain statement of the facts connected with the movement of troops to Rhode Island, and then leave it for the House and the world to judge whether the President has assigned the true reason for such movement; or whether it did not proceed from some other reason in the Executive mind, which is carefully concealed in his message to the House; and in this review of the facts, it will be necessary to refer particularly to dates and events.

The first election under the people's constitution was to take place on the Monday next after the third Wednesday of April, 1842; and the organization of the government under it was to take place on the first Monday of May following. Anticipating these events, Samuel Ward King, then the acting Governor under the charter, on the 4th day of April, 1842, addressed a letter to the President of the United States, informing him that the State of Rhode Island "is threatened with domestic violence." He then adds: "Apprehending that the Legislature cannot be convened in sufficient season to apply to the Government of the United States for effectual protection in the case, I hereby apply to you, as the Executive of the State of Rhode Island, for the protection which is required by the constitution of the United States." Here, then, was a requisition upon the President of the United States from the Governor of Rhode Island, before any election had been held under the people's constitution, or any government organized. No forcible resistance of any kind, to the acting authorities of the State, had in fact at that time appeared. The movement on the part of the people had been entirely peaceful in its character, from the beginning, as any political movement could be. And here commenced the first series of measures on the part of the charter authorities, intended to crush by force, and by the aid of the General Government, this peaceful movement of the people.

On the same day, (the 4th of April,) Governor King addressed another communication to the President, in which he informs that functionary that "the State of Rhode Island has been agitated by revolutionary movements, and is now threatened with domestic violence," and suggests to the President that "there is but little doubt but that *a proclamation from the President of the United States, and the presence here of a military officer to act under the authority of the United States,* would destroy the delusion which is now so prevalent, and convince the deluded that, in a contest with the government of this State, they would be involved in a contest with the Government of the United States, which could only eventuate in their destruction." For what purpose was this proclamation of the President, and the presence of this military officer, sought? The plain answer is, *for the purpose of intimidating the people,* and preventing them from electing and organizing a government under the constitution which they had adopted. (See appendix, No. 163)

Did the President comply with this request of Governor King, and enter into his scheme *to intimidate the people* from the peaceful exercise of their sovereign and legal rights? Facts will give the answer. On the 11th day of April, *before the election held by the people under their constitution,* and, of course, before any organization of a government under it, the President replies to Governor King's requisition, laying down the postulate *that no new constitution would be recognised by him, which had not been*

the result of "legal and peaceable proceedings adopted and pursued by the authorities and people of the State;" placing the "authorities" before the people, and thus implying that the action of the latter must be sanctioned by the consent and approbation of the former; and then promising the assistance, at the proper time, which Governor King requested. On this point the President adds: "I have, however, to assure your excellency, that, should the time arrive (and my fervent prayer is, that it may never come) when an insurrection shall exist *against the government of Rhode Island*, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guarantied to each State by the constitution and laws. I shall not be found to shrink from the performance of a duty, which, while it would be the most painful, is, at the same time, the most imperative. I have also to say, that, in such a contingency, the Executive could not look into real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants, and more in accordance with the wishes, of any portion of her citizens." (See appendix, No. 164.)

Here, then, was the promised assistance, and here were the means of intimidation, which the charter government sought. The letter was immediately promulgated to the people, by the authorities of the charter government, through the Assembly and the press. They were told that the power of the General Government was arrayed against them, and that if they proceeded in the attempt to establish a government under their constitution, they would do it at the peril of life; for the charter government, aided by the military power of the United States, would crush them at once. No insurrection existed, no domestic violence had occurred, *on which the President alone was authorized to interfere*; yet they beheld the President, in anticipation, promising the military power of the United States to a government which they believed held on to its power by usurpation against right, and in defiance of the will of the people, to be used against them, to slaughter and destroy them if need be. Amazed at such conduct in the Executive of the United States, but not dismayed, they proceeded to the election of the officers of their government; and in the face of these menaces and schemes of intimidation, they gave for their governor nearly 8,600 votes, elected all the officers of the new government, and on the first Tuesday of May proceeded to organize it.

In the menaces of the charter government, countenanced by the President, the committee believe will be found the true reason for the diminished vote in this election, as compared with the number of votes given in favor of the adoption of the people's constitution; and not in the reasons assigned by John Whipple and others, in their communication to the President under date of April 10, 1842.—(See appendix, No. 167.)

After the election and organization of the people's government, what was the course of the charter government and of the President?

The acts of the Executive will be first examined. On the 11th day of April—the very day on which the President promised his assistance to the charter authorities—Major Payne, commanding at Fort Adams, is confidentially directed, by an order from the War Department, to secure the arms and ammunition of the United States at Fort Griswold, and other exposed places. On the 25th of April, Colonel Fanning, commanding at Fort Monroe, Virginia, is ordered to *immediately* cause two companies of

his garrison "*to be filled up with effective men*," and to embark as soon as possible for Governor's Island, harbor of New York. Colonel Fanning was also directed to accompany his troops, and to report immediately after his arrival to Colonel Bankhead. On the 26th day of April, an order was issued from the War Department to Colonel Bankhead, commanding at Fort Columbus, New York, to "immediately cause two companies in the harbor of New York to be filled up with *effective men* out of the other two present, and to be held in readiness at Fort Columbus, with tents for *detached service*." On the 2d of May those companies (being artillery) arrived at Fort Adams, in Rhode Island. On the 5th of May, Colonel Bankhead himself was ordered "to repair individually to Newport, R. I., and there remain until all appearance of domestic violence shall have disappeared." But that is not all. By an order dated April 26th, addressed to Major Payne, a *military espionage* was established by the General Government in the State of Rhode Island.—(See appendix, Military orders.)

On the 4th day of May, Governor King communicated to the President the resolutions of the charter assembly, announcing the existence of an insurrection, and calling upon the Executive of the United States to act upon the requisition of the Assembly by interposing the authority and power of the United States to suppress the insurrection. (See appendix, No. 168.)

Thus had the President issued his letter promising aid to the charter Government against the people. He had sent a military officer, as requested, to Rhode Island, who was to act in concert with the charter authorities. He had directed two companies of artillery, with a full complement of effective men, ready for active and "*detached*" service, to enter the territory of Rhode Island. He had placed two companies more, equally effective, and prepared for active service, within ten hours' sail, and in striking distance of that State; and had established a *military espionage* over the people of the State. Did not all this constitute a MILITARY DEMONSTRATION upon the people of Rhode Island? And did it not have the effect which it was designed to have? Did it not intimidate and subdue the people, compelling them to abandon their constitution and government? And cannot a people be as effectually conquered by a military demonstration, as by actual attack and slaughter? No man in the possession of his reason will deny the affirmative replies to these questions. And yet the President, in his message to the House in answer to the resolution of that body, says that the *casus fœderis* never arose during the late disturbances in Rhode Island, which would justify his interposition with the military power of the Union; that he never did interfere; and that all this movement of troops into the territory of Rhode Island, and concentration of them within striking distance in the neighborhood, was only intended "*to strengthen the garrison at Fort Adams!*" Was it necessary that the troops intended "to strengthen" Fort Adams should be provided with tents for "*detached*" service? If they were designed only to strengthen that post, why were they provided with equipage, tents, &c., *for active service in the field*? Notwithstanding the positive assertion of the President to the contrary, the committee feel that they would deny the irresistible convictions of their own understandings if they should say that he did not interfere, with the military power of the Union, on the side of the charter authorities, against the people of Rhode Island, by which their constitution and government were put down and suppressed.



The first attempt of the people of Rhode Island to establish their constitution and government was suppressed by the means and instrumentalities above described. In the latter part of June, following the events before mentioned, Governor Dorr made another attempt to re-establish the authority of the people's constitution and government. It will now be shown what connexion the President had with this second effort of Governor Dorr to reinstate the authority of the government under which he acted.

In anticipation of this second attempt of Governor Dorr to re-establish the people's government, Governor King addressed a letter to the President, under date of May 25, stating the grounds of his apprehensions, and adding, "In this position of affairs, I deem it my duty to call upon your excellency for the support guarantied by the constitution and laws of the United States to this Government." Did the President remain silent and inactive on this requisition? Let the facts answer. On the 28th of May, the President replied to the letter of Governor King as follows: "Should the necessity of the case *require the interposition of the authority of the United States*, it will be rendered in the manner prescribed by the laws." How was it rendered? On the 28th of May, Colonel Bankhead was ordered "*to communicate personally with Governor King*" in relation to the subjects of his letter. On the 29th day of May, another order from the War Department was addressed to General Enstis, of Boston, requesting him to make inquiry in relation to the movements of the "insurgents," which was to be done "quietly and privately," and the result communicated to the department. On the 28th of May "presidential instructions" were also addressed to the Secretary of War, directing Colonel Bankhead to take certain measures, with a view to the contemplated attempt "to place Dorr in the chair of State in Rhode Island." On the 22d day of June, Colonel Bankhead reported to the Secretary of War certain facts and circumstances, which led him to believe "that Mr. Dorr and his party are determined to enter the State in force; and that, in a few days, serious difficulties will arise." On the 29th of June, the President addressed a communication to the Secretary of War, in which he states that it is now "evident that the difficulties in Rhode Island have arrived at a crisis which may require a prompt interposition of the Executive of the United States to prevent the effusion of blood;" and, "with a view to ascertain the true condition of things, and to render the assistance of this Government, if any be required, as prompt as may be, you are instructed to proceed to Rhode Island." The Secretary was also directed to make requisitions upon the Governors of Massachusetts and Connecticut for militia. He also carried in his pocket a proclamation of the President against the "insurgents." Colonel Bankhead, in the mean time, *was in communication with Governor King*, as appears by his letters to the Secretary of War, under date of June 23. On the 27th of June, Colonel Bankhead writes to Adjutant General Jones, at Washington, stating the forces of the charter government, and of Governor Dorr, at Chepachet; and adds, "it seems to be impossible to avoid a conflict between the two parties, without the interposition of a strong regular force." He then proceeds to speak of the condition of things in the city of Providence, and of the strength of Dorr's position, and adds, "it would, therefore, be highly imprudent to make the attack, even if no secret foes were left behind within the city, without a positive certainty of success; and, with the aid of a few disciplined troops, a defeat [to Dorr]

there would be ruinous and irreparable. A force of 300 regular troops would insure success, and probably without bloodshed." Against whom were these "regular troops" to act, but against Dorr? And did Colonel Bankhead receive these reinforcements?

By general orders No. 33, "the light companies of the 1st and 3d artillery, on being relieved, will proceed to *Fort Adams*, to constitute two of the *four* companies assigned as the permanent garrison of that post;" and, on the 11th of June, the assistant adjutant general wrote to Col. Bankhead that "the two companies now at Fort Adams, to be replaced by two light companies, may wait for the arrival of the latter." *Thus was Col. Bankhead supplied with nearly the number of men required*; and a circumstance, not unworthy of note, connected with these military movements, is, that, at this juncture, two ordinary companies of artillery were removed, and *their places supplied with two companies of "light" or flying artillery*, which are the most effective force in the service. The United States troops at Fort Adams were also provided with ammunition, flints, haversacks, provisions for two days' service in the field, daily disciplined, and informed by these officers that they were to act on the side of the charter authorities against the people. Cartridges for cannon and muskets were also taken from the stores of the United States, and delivered to the charter troops.—(See affidavit of George S. Reed, appendix No. 57.)

In view of these facts, can any one doubt that they constitute a **SECOND MILITARY DEMONSTRATION** against the people of Rhode Island and Mr. Dorr, their rightful Governor, who was attempting to reinstate the people's constitution and government against the charter authorities, who had become the usurping and insurrectionary party in the State? Yet the President affirms that the *casus fœderis* never arose when he was authorized to interpose the authority and power of the General Government in the political disputes of the people of Rhode Island; and, in his late message, in face of the facts above stated, he gravely avers to the House and the country "that the Executive **DID NOT** deem it his duty to interfere, with the naval and military power of the United States, in the late disturbances in Rhode Island;" but the movement of troops to that State was merely "*to strengthen the garrison at Fort Adams!*"

The committee have stated the facts, and, notwithstanding the positive denial of the President that he did interfere with the military power of the General Government on the side of the charter party against the people, they feel bound to say that the testimony supports a conclusion entirely opposite to that to which the President has arrived. It was by this second military demonstration that the people were again defeated, and their constitution finally suppressed.

Had the President a right to interfere at all on the side of the charter authorities against the people who, in the exercise of their sovereign power, were engaged in a peaceable and orderly attempt to establish their constitution and government, but who were unlawfully, and without right, resisted in this attempt by the charter authorities? The President derives his authority to act in the case under consideration (if from any source) from the fourth section of the fourth article of the constitution, which is in the following words:

"The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against inva-

sion ; and, on application of the Legislature, or of the Executive when the Legislature cannot be convened, against domestic violence."

And also he relies upon the laws of Congress passed in pursuance of this provision of the constitution. This provision of the constitution, and the laws of Congress made in pursuance of it, authorize the President to interfere only in cases of domestic violence or insurrection against the duly constituted authorities of a State—authorities which are admitted on all sides, even by the insurgents themselves, to be constitutional and legal. Insurrection cannot exist against a defunct government, which claims power by usurpation and force. The Shay's rebellion in Massachusetts, and the whiskey insurrection in Pennsylvania, were insurrections against governments admitted and recognised by the insurgents themselves to be constitutional and legitimate. In such cases, there can be no doubt as to the duty of the Executive. But the act of the people by which they, in the exercise of their inherent sovereign will, substitute one government for another, cannot be deemed an insurrection against the government they have abrogated ; and, in such a case, the President would be guilty of a violation of the constitution, if he were to interfere and put them down by the military power at his command. Instead of a "CONSTITUTION-MAKER," he would, in such a case, be the PERPETUATOR of usurpers and tyrants. The interpretation which he makes of his own duty under the constitution, in assuming that the act of the people in changing their constitution cannot be authentic without the consent of the existing authorities, makes him not only an "AGITATOR" between the parties, but a CONSTITUTION-MAKER, or rather a CONSTITUTION DESTROYER. His interpretation of his duty would have perpetuated in power the thirty tyrants of Athens, if they had happened to be the "authorities" of the State of Rhode Island ; and, with due deference to the high source whence such doctrines emanate, the committee believe that they are most pernicious and dangerous in their effects upon free government, and deserve to be stamped with reprobation by the American people. They would forever put the bar up against all reform in existing governments, except by force ; they therefore tend to produce the anarchy and bloodshed which the President so feelingly affects to deprecate, or they tend to despotism. The President, in substance, says to the party which happens to be in possession of power in a State : "Do as you please with the power you possess ; pervert it as much as you please ; pay no regard to the people, if you please ; deprive them of as much of their rights as you please. If they attempt to regain them without your consent,—if they attempt to abolish the constitution, or frame of government, under which you act, and which you have perverted, and to establish another in its place without your consent, I will interpose with the military power of the Union, and put them down. They are insurrectionists against your government, and rebels against your authority ; and it is therefore my constitutional duty to put them down." What effect would doctrines like these have in the commonwealths of which this republic is composed, but to create tyrants and to establish despotisms, or to bring about bloody revolutions and civil war ? And, to decide in favor of the existing government, is he not as much an "agitator" between the contending parties, and a "constitution maker," as if he were to decide in favor of the people ?

The President also assumes, in his message, that, as the charter was the form of government which existed in Rhode Island at the Revolution, and



at the time of the adoption of the constitution of the United States by the State of Rhode Island, it was the form of government which the United States stipulated to guaranty. He further, in substance, contends that he had no right to take notice of the act of the people of Rhode Island by which they abrogated the charter, because the act was not done by the consent of the authorities deriving their power from the charter.

To make the difference between themselves and the President more obvious, the committee will state their views of the effect of the Revolution upon the charter. Prior to that event, the institutions of the colonies recognised the theoretic principle, that the sovereign power was vested in the crown of England. All charters of government were derived from the crown, and could be altered or revoked at the pleasure of the king; and all laws passed by the legislatures of the colonies required the assent of the king or his representative; the king was the admitted sovereign, and the people aspired to be no more than subjects. The revolution established a new theory, viz: that the people, in their political capacity, were *sovereign*; and in their individual capacity, the subjects of their own laws. When the separation between the colonies and the mother country actually took place, the sovereignty reverted from the crown of England to the people of the several colonies. The people, therefore, stood in the same relation to all the existing governments of the colonies, as that in which the crown stood before the separation. They could abolish them, and substitute others in their places, or they could permit them to exist. In some of the States they proceeded immediately to the work of revoking the royal charters by which their governments were established, and instituting written constitutions in their places. If any of the old charters existed, (as they did in Connecticut for many years after the Revolution, and in Rhode Island until recently,) they existed by the consent, or rather sufferance of the people, who possessed the power to abolish them at will. While they thus existed, with the consent of the people, the committee concur with the President in the opinion, that they were entitled to the guaranty of the United States under the constitution, provided the government, under them, was in form republican. But the President contends that the United States, acting through its constituted authorities, has no right to take notice of any change of these original frame-works of government, the royal charters, (or even of constitutions adopted in their places,) unless such change shall have been made by the people *with the consent of the authorities* existing under those charters;—in other words, no act of the people, changing those charters, can be authentic without such consent; and that he, acting for the United States, in executing the guarantee of the constitution, has no discretion in the matter, but must stand by the authorities, and against the people. On this point the committee differ with the President. They hold that when the *casus fœderis* arises which demands the execution of the constitutional guarantee to a State, the authorities of the Union, charged with the execution of that guarantee, *must* deliberate. They must decide whether they are called upon to guaranty a republican form of government adopted by the people of the State claiming the guarantee, or to perpetuate a government which is not, or which has ceased to be, republican. The section of the constitution containing this stipulated guarantee, *ex vi termini* requires this deliberation and decision. And in accordance with this view of the subject, Mr. Madison, in the 43d number of the Federalist, remarks: "As long, therefore, as the *existing republican forms are continued by the States,*

they are guarantied by the federal constitution. Whenever the States *may choose to substitute other republican forms*, they have a right to do so, and to claim the federal guarantee for the latter.”

In addition to the authority of Mr. Madison, the committee will refer to a recent and conspicuous example, in which the then Executive of the United States exercised this deliberation and decision. The committee refer to the refusal by certain individuals of one political party in Pennsylvania, in 1838, to surrender the offices and authority they held to other persons who had been elected by the people of that State to the same offices. The former were in possession of the government of the State in all its departments. They were the *official* government of the State. They came to the determination to treat the election by the people of others to their places, as though it had not been held. Great excitement followed this resolution of the official government, and the people assembled at its seat in such numbers as to induce those holding the offices of the government to fear that they would be ejected from their places by force. In this emergency, a requisition was made upon the President of the United States for his interposition with the military power of the Union to protect the State from insurrection and domestic violence. It was made by a government *de facto*, claiming to be such *de jure*, and to all appearance organized in all its departments. Yet the President deliberated. He considered whether those persons constituting the government *de facto* were holding it by right. He investigated the facts, and saw that the people had elected a new government, which, although the individuals constituting it had not been qualified, and had not assumed their offices, was the government *de jure*, and that the other was in fact a usurpation. He therefore decided against the usurping government, in favor of the rightful one, and refused to comply with the requisition. The result, as is well known, was the ascendancy of the people over the usurping party.

According to the interpretation given by the President, of the duty of the Executive under the clause of the constitution guarantying to the States republican forms of government, and protecting them from domestic violence, the eminent individual who filled the executive chair at the time of the event above alluded to occurred, was bound to interpose the power of the United States in favor of the actual government making the requisition, having no discretionary power to inquire whether the requisition proceeded from a legitimate or a usurping government. In such a construction of his duty, the committee repeat that they do not concur with the President.

This subject will be further considered in another part of this report.

The committee have no doubt of the fact, because it is shown by the testimony annexed to this report, and by the notorious history of the times, that, if the President had not interposed with the military power of the United States, in favor of the charter government, the people's constitution would have gone into effect, and the government organized under it would now have been the government of Rhode Island. Their constitution was adopted in peace, and without opposition. Their government was organized without molestation, and no serious opposition was made to it by the charter authorities, *until they had received the pledge of aid from the President*. Without this assistance, no reasonable man, cognizant of the facts, can doubt that the charter authorities would have peaceably and quietly surrendered their places and power to the government of the people. Notwithstanding, therefore, his averment to the contrary, (which the committee,

in courtesy, are bound to receive as honestly made,) the fact cannot be denied that he made himself the "agitator" between the two parties in Rhode Island; and that he defeated one constitution, and imposed upon the people of the State another—thus making himself the "CONSTITUTION-MAKER" for the people of Rhode Island.

The President also professes to entertain the belief, that a course contrary to the one he pursued in Rhode Island would lead to civil war, anarchy, and bloodshed. With due deference to the opinion of the President, the committee entertain a belief directly the reverse. The experiment of the President was indeed successful in Rhode Island—a State small in population as well as in territory. But, if he had thus interposed in a similar controversy between two parties of the people of the great and powerful States of New York, Pennsylvania, Ohio, or Virginia, what would have been the result? Would the party against whom he interfered have submitted peaceably to presidential dictation? Would they have feared the power of the Union? And could the President rely on the aid of the people of other States, in such an emergency,—especially when the aim and object of his interposition were to trample down the great fundamental principle of American institutions, by the tenure of which principle the people hold their liberties,—and to perpetuate in power a government which the people of a State had abrogated and repudiated? In such a contest, on which side would be the sympathies and the active aid of the generous, magnanimous, and liberty-loving people of this country? The President may rely upon it, that they would not be on the side of the General Government and a factious minority against the people. If it had been the people of any of the large and powerful States of the Union with whose political controversies the President had interfered, instead of Rhode Island, he would have been resisted at once, and he then would have witnessed the melancholy spectacle of civil war, anarchy, and bloodshed, which he deprecates. The conflagration would have been lit up by a brand from his own hand, and he would have seen an uprising of the people against himself and the authority he wielded, which would have swept away himself, and his ministers and agents of power, as the dust is swept from the eagle's wings by the winds of the raging tempest. Such, in the opinion of the committee, would have been the awful consequences, if a single individual of the people of Rhode Island had been slaughtered by the hireling soldiery of the United States. It would have kindled a civil war which might have pervaded the whole Union, and prostrated in blood and desolation the fairest fabric ever erected to human liberty.

The people of this country are justly jealous of the power of the General Government. While they will stand by it with patriotic fidelity, when it moves within the proper orbit of its powers, they will never permit it to step beyond the sphere of its duties, and interfere with the political contests of the people of the several States. In such emergencies, the President will always find the American people arrayed against the power of the General Government. In the unhappy controversy in Rhode Island, the President himself saw evidences of this fact, in the almost universal sympathies of the people of other States in favor of the suffrage party of Rhode Island, and in their indignant condemnation of executive interference. Such was the state of feeling among the people during the occurrence of the events under consideration, as was too clearly manifest to be mistaken by the President. He could not have shut his eyes to the portentous spectacle of a large public meeting composed of men of wealth, talent, and the highest respect-



tability in the city of New York, *which was called expressly on the occasion of his interference*. Nor could he have failed to perceive the spirit which brought together similar assemblages of the people in Boston and other places. Not until he had *interposed the power of the Union in the dispute*, was there any disposition among the people of other States to mingle actively and personally in the fray. It was to oppose *him and his* power that individuals from other States joined the standard of Governor Dorr, if any did join it;—of which fact, however, the committee have had no proof, although there is proof that citizens of other States served in the ranks of the charter party, during the late difficulties in Rhode Island.

The President concludes the review which his message takes of his conduct which resulted in the establishment of the existing constitution of the State of Rhode Island, with the following self-gratulating remark: "Thus the great American experiment of a change in government, under the *influence of opinion, and not of force*, has been crowned with success, and the State and people of Rhode Island repose in safety under institutions of their own adoption, unterrified by any future prospect of necessary change, and secure against domestic violence and invasion from abroad."

That the remark of the President, above quoted, may be stamped with its true character, the committee will briefly review the circumstances under which this "great American experiment of a change in government," of which he speaks, was effected. The people of Rhode Island, in the exercise of what they believed to be their sovereign right, without force and in a peaceable manner, adopted a constitution in place of the charter under which they had long lived. At the time appointed in their constitution, they proceeded to elect and organize a government under it, in place of the government existing under the charter. They called upon the charter authorities to surrender the power which they (the people) had decided to withdraw from those authorities, and to place in other hands. The charter authorities refused, and called upon the President to aid them in putting down the people with the military power of the Union. This aid was promised, and, with that view, troops and munitions of war belonging to the United States were sent into the territory of Rhode Island; and, through this interposition of the President, the people were *conquered*, and their government overturned and suppressed. Martial law was proclaimed; and *while it continued in force*, the people were called upon, by an act of the Legislature, to elect delegates to a convention which was authorized to frame a new constitution. The election of delegates took place on the last Tuesday of August, 1842. On the *eighth* of the same August, martial law was *temporarily suspended* by proclamation of the Governor, not repealed. It may, therefore, with truth be said, that the delegates to this important convention were elected *under the actual existence of martial law*. The convention assembled, framed a constitution, and submitted it to the people for adoption on the 21st, 22d, and 23d days of November, 1842; prior to which time (*viz*: on the 30th day of August) martial law was indefinitely *suspended* by proclamation of the Governor, although the act authorizing the Governor and council to proclaim it at any time, *still remains unrepealed*. The people voted, and the constitution received less than 7,000 votes, (which number is less than one-third of the suffrages of the whole people,) and was declared to be adopted, and the present government of the State was organized under it accordingly. During the whole of this time the State of Rhode Island *was under actual military organization*; many of its citizens were

in prison, on charges of treason and other crimes; many were in forcible exile, and a majority were writhing under the degradation of military conquest. *The fact is*, therefore, that the existing constitution of the State was actually framed and adopted under the *menace* and *duress of martial law* and *military force*. And yet, in the face of this pregnant and pointed fact, the President coolly asserts to the House and the country, that this "great American experiment of a change of government" was accomplished "under the influence of opinion, and not of force!"

The committee submit to the House and the country to compare the facts with the President's assertion, and to draw the inference.

#### THE POWER OF CONGRESS IN RESPECT TO THE MATTER OF THE MEMORIAL.

The committee now proceed to consider, briefly, the power and the duty of the Government of the United States in reference to the matters presented to the consideration of the House by the memorialists. In addition to the inquiry into the allegations of fact in their memorial, they pray Congress to execute the guaranty of the United States to the people of Rhode Island, by reinstating their constitution, which was suppressed by the charter authorities, illegitimately holding power, assisted by the Executive of the United States with the military power of the Union. All the power which Congress possesses over the subject-matter of the memorial is derived from the fourth section of the fourth article of the constitution, which has been before cited. That provision of the constitution guaranties to each State "*a republican form of government*," and stipulates "to protect each of them against invasion; and, on the application of the Legislature, or of the Executive, when the Legislature cannot be convened, against domestic violence." This provision of the constitution vests in the Congress of the United States a supervision over all the State constitutions; so far as the ascertainment of their republican character is concerned. And when those constitutions do not provide for a republican form of government—which, in addition to an outward popular organization, the committee understand to be one which exists in the consent of the people, and over which they have control—it is the duty of Congress to set it aside, and to recognise and enforce one which possesses this republican character. This act of supervision implies the prior action of the people, or of a party assuming to be the people, of a State. And further than the exercise of this supervision, the committee contend that Congress has no power and cannot go. Congress cannot prescribe to the people of a State the details of their constitution, if none of its provisions conflict with a republican form. It cannot dictate to the people as to whom shall be confided the political power of the State. The people, as hereinbefore defined—who do not, in the opinion of the committee, include slaves, nor persons under pupillage or guardianship, nor aliens, nor insane persons, nor paupers, who contribute nothing to the effective means of the community, nor persons who have forfeited the confidence of the community by crimes against its rights,—the people, thus defined, have supreme, unlimited control over their constitutions. The majority may make such distribution of political power in their constitutions as they may think proper. They may limit and restrict it as they please, provided it is the will of the majority, and provided the power is at all times reserved to the people as before defined, (to include every free male citizen, with the

exceptions above stated,) to alter, reform, or abolish the existing government, in manner and form as they shall deem most expedient.

The committee also are of the opinion that the Government of the Union is bound, at all times, to take notice of this sovereign act of the people, whenever it is done, and to protect the people in the exercise of it. Congress is bound to pass laws, if none now exist, (which the committee believe to be the fact,) to protect the people of the several States in the enjoyment and exercise of their sovereign powers. If this were done, and if these were the doctrines entertained by the authorities of the Union, no change of government by the people of a State would lead to bloodshed and civil war. Such changes would be made with as little excitement as occurs at an ordinary election. Each party would know that the validity of the act by which the change was effected would be tested by a superior tribunal, governed and controlled in its action by the supreme law of their common country; and they would await its decision—with anxiety, to be sure, but in tranquillity and peace. Then, indeed, would be exhibited the sublime spectacle of “the great American experiment of a change in government, under the influence of opinion, and not of force.” It would not be effected by a resort to the bloody right of revolution, which is the common right of the serfs and vassals of every despot in every land and clime; but it would be brought about by the peaceful operation of the great principle which lies at the foundation of all the American institutions of government—**THE SOVEREIGNTY AND SUPREMACY OF THE PEOPLE.**

Congress is as imperatively bound by the provision of the constitution before referred to, to protect the States from invasion and domestic insurrection and violence, as it is to guaranty to them republican forms of government. But those insurrections must, of course, be against governments *rightfully existing*, by the will and consent of the people, and not by usurpation, against their will. The people, in attempting to put down such governments, cannot be rebels and insurrectionists. On the contrary, they are entitled to the aid and succor of the General Government in such an act.

In respect to the guaranty claimed by the memorialists for the people's constitution and government, the committee have before remarked, that, on the first election under the existing constitution of Rhode Island, an undoubted majority of the people did register their names and give their suffrages according to its provisions. Whether that act was equivalent to an abrogation of the people's constitution, and a ratification of the present constitution of the State, the committee, as they have before remarked, will not undertake to decide. And for the purpose of producing unanimity, as much as possible, in the opinion of the House, they do not propose any further action in reference to the subject, than to declare, by resolution, that, until the people's constitution was thus abrogated, the acts of the government established under it were rightful, and entitled to full faith, credit, and authority.

And the committee would here respectfully suggest to the House the propriety of some legislation by Congress, with a view to meet emergencies like that which has occurred in the State of Rhode Island. The action of the Executive in that emergency, by which the will of the people of that State was suppressed, and the people themselves conquered and degraded, clearly demonstrates the necessity of such legislation, in order to prevent that arm of the General Government which is first applied to in such



cases, from becoming the arbiter of the people in questions affecting the exercise of their sovereign power, and the "CONSTITUTION-MAKER" of the States.

#### TYRANNY AND DESPOTISM OF THE CHARTER AUTHORITIES.

The committee will now pass to the consideration of the conduct of the charter authorities in reference to the people of Rhode Island, with a view to prevent them from adopting a constitution, and organizing a government under it; together with such other acts of tyranny and outrage, in the name and under the forms of law, perpetrated by the charter authorities and their adherents, against the advocates and supporters of the people's constitution and government, during the late unhappy disturbances in that State. And, first, the *legal expedients* resorted to, to prevent the people from adopting their constitution, and organizing their government, will be noticed.

#### *Coercion of the people by penal enactments.*

The charter assembly, at its session in March, 1842, with a view, and for the express and avowed object, of preventing the people from proceeding to the election of a governor and other State officers, and a legislature, according to the provisions of their constitution, passed an act entitled "An act in relation to offences against the sovereign power of the State," more generally known afterwards in the political vocabulary of the State as the "Algerine act." (See appendix, No. 2.) The first section of this act, after declaring all "town, ward, or other meetings," for the election of any "town, ward, city, or State officer or officers," not held according to the laws of the charter government, illegal and void, proceeded to enact that "any person or persons *who shall act as moderator or moderators, warden or wardens, clerk or clerks,*" in such meeting declared to be illegal, "or in any name or manner *receive, record, or certify votes*" for any officers at such meetings declared to be illegal, "*shall be deemed guilty of a misdemeanor,* and be punished, by indictment, with a fine not exceeding *one thousand dollars,* nor less than *five hundred dollars,* and be imprisoned for the term of *six months.*"

The second section enacts, that any person or persons who shall "*signify that he or they will accept*" any office by virtue of such elections declared by the act to be illegal, or shall "knowingly suffer or permit his or their name or names to be used as a candidate or candidates" for any office at such election, shall be adjudged guilty of *a high crime and misdemeanor,* and be punished, by indictment, in a fine of two thousand dollars, and be imprisoned for the term of one year."

The third section, in substance, enacts that any person who shall "assume to exercise" any office "under any pretended constitution of government for this State, or otherwise," within the territorial limits of said State, or "shall assemble for the purpose of exercising any such functions," every such exercise of, or meeting for the purpose of exercising any of said functions "shall be deemed and taken to be an *usurpation of the sovereign power of this State,* and is hereby declared to be *treason against the State,* and shall be punished by *imprisonment during life.*"

The fourth section of the act provides that "all indictments under this act, and all indictments for treason against this State, may be preferred and

found in *any* county of this State, *without regard to the county in which the offence was committed.*" The same section authorizes the supreme court to remove any indictment for trial to any county in the State.

Such, in substance, are the provisions of the celebrated act in relation to offences against the "sovereign power" of the State. The whole of it was aimed at the people's constitution, and was intended to prevent the election and organization of a government under it. The first section was designed to deter the people from electing the officers necessary for the organization of their government; and with that view, it was declared to be a misdemeanor to officiate as moderator or clerk at such meeting, under a penalty of \$1,000, and imprisonment for the term of six months. The second section was designed to prevent the people from having *any candidates*; and to intimidate such persons as were inclined to act as candidates, it was declared to be a "*high crime and misdemeanor*" if they "*signified*" that they would accept an office to which they might be elected, or if they, knowingly "*suffered or permitted*" themselves to be candidates; and the offender subjected himself to a penalty of \$2,000, and imprisonment for the term of one year. The third section declares the exercise of the functions of any office, or meeting for that purpose, (which was thus forbidden,) to be "*treason*" against the State, which subjected the offender to imprisonment for life! The fourth section committed an atrocious violation of every principle of justice, by authorizing a partisan court (since proved to be—see Charge of Judge Duffee, appendix No. 212) to transfer the accused from the county in which the alleged offence was committed, to some other county, for trial, (perhaps among his enemies,) in which *his conviction would be rendered more certain.* Such a provision is in direct conflict with the sixth amendment of the constitution of the United States, which secures to the accused an impartial trial by a jury of his peers in the county or district in which the offence shall have been committed. Such a provision in regard to the trial of the accused would not, in this age, be permitted to disgrace the legislation of any civilized and enlightened European Government which professes to be free. In all its provisions, it is equally obnoxious, derogatory to the rights of the people, and disreputable to the State and the age. It seems to have been reserved for the legislators of Rhode Island to discover that "*signifying*" to accept an office, or "*permitting*" one's name to be used as a candidate, was a "*high crime and misdemeanor*;" or that, assuming to exercise the functions of such office was "*treason against the State.*" When were such acts before denounced as crimes in any free country? When, before, were men accused of high crimes, permitted to be transported from the county in which the crime was committed, to another, for trial, *in order to insure conviction?* The venue is often permitted to be changed when the accused cannot have a fair trial in the county in which the offence was committed, but *never to render his conviction more certain.* The change of venue is permitted *as an act of humanity to the accused*, to secure to him a just and impartial trial, and not to enable the government to wreak its vengeance with more sure and certain success. Such vindictive tyranny is worthy only of the age of the Stuarts and their judicial instrument, the infamous Jeffries; and would now be scouted for its abominable injustice and tyranny, even in England.

The recent trial and conviction of Thomas W. Dorr, who officiated as governor under the people's constitution, for the alleged offence of treason, furnishes a conclusive illustration of the tender mercies of the act under con-

sideration. His alleged offence was committed in the county of Providence; in which county, the people's constitution had most friends and supporters. He was transported to the county of Newport for trial, where *he had the most political enemies*. After several days wasted in empannelling a jury, there being over 100 summoned, a jury was at length *packed*, being every man of them his *political enemies*; and he was passed through the forms of a trial, and convicted, as every man knew he would be, under such a farcical, if not disgraceful proceeding, in the name of justice.

The committee rejoice that such a law, and such an administration of it, have never soiled the character of any State in the Union—except Rhode Island. They believe it to be violative (in two of its features, at least) of the constitution of the United States. Its definition of treason is a violation of that provision of the constitution which declares that treason shall consist in “levying war against the United States, or in adhering to their enemies, giving them aid and comfort.” Its provision authorizing the transfer of persons accused of crimes from the county in which the offence was committed, to another county, for trial, *with the obvious purpose of enabling the government the more readily to convict them*, is, as has been before remarked, in violation of the constitution of the United States, which provides that the accused shall be tried in the district in which the offence shall have been committed, and which has been previously ascertained by law.

The whole aim and object of this act was to prevent the people of Rhode Island from organizing a government under the constitution adopted by them; and if they should persist, to enable the charter government, if successful in the contest, to wreak its vengeance upon those who dared to advocate and defend that constitution and government. The people, however, treated the act with the scorn and contempt which it merited, and proceeded to elect the officers provided by their constitution, and to organize their government. They, also, through their legislature thus elected, repealed the odious law, the provisions of which have been recited, and set it aside as one of those execrable acts of a despotic power which deserve the decisive condemnation of freemen. And if it had not been for the unauthorized and censurable interference of the Executive of the United States with the military power of the Union, on behalf of the charter government, the defunct power of the odious statute under consideration would have never been revived, and the State of Rhode Island would not have attained that pre-eminent distinction for vindictive and relentless political proscription which it now enjoys, and which exceeds in its ruthless vengeance the conduct of any modern civilized government pretending at all to regard the forms of liberty, equity, and justice.

The act above mentioned was passed before any election had occurred under the people's constitution, and before any government under it was organized. Its object was, as before remarked, to prevent such election and organization from taking effect. After their constitution and government were suppressed, the people of Rhode Island, as the memorialists allege, in order to bring the question in relation to their right to change their form of government before the House of Representatives of the United States, to be there considered and determined, proposed to elect members to the House, that the question might be raised by the competition for seats which would take place between the members elected under the people's constitution, and those elected under the existing constitution of the State. To prevent the people from resorting to this peaceful mode of testing the questions, both of



right and of fact, involved in the adoption of the constitution, and as if seemingly fearful of the result, the General Assembly, under the existing constitution of the State, at its January session, 1843, passed an act in addition to the act "in relation to offences against the sovereign power of the State," (which act has been before described;) in and by which, the provisions of that act in relation to such offences were re-enacted. It declared all meetings, not according to the laws of the charter government, and its successor, the present government of the State, to be illegal and void; subjected the moderators, clerks, candidates, and officers, assuming to exercise the functions of their several offices, to the same penalties; declaring these acts to be misdemeanors, high crimes, and treasons. Not stopping at the re enactment of the provisions of the "Algerine act," it took one bold stride farther, and denounced all meetings held by the people for electing officers, except according to the dominant power of the State, to be "*riotous, tumultuous, and treasonable assemblies*;" and directed the Governor of the State, sheriffs of counties, &c., &c., to command such meetings to disperse *forthwith*; and if such command were not followed by *instant dispersion*, they were authorized to use first the civil posse, and next to call out the military power of the State, to disperse such assemblies. Thus, under the refined provisions of this act, all meetings, *however orderly and peaceable*, which were held for the purpose of electing officers, and which were not authorized by the ruling party in the State, were declared to be "riotous, tumultuous, and treasonable assemblies," which might be commanded to disperse *instantly*; and if that order was not *instantly* obeyed, the authorities, thus empowered by the act, could call out the military force, and *instantly* shoot down those who were concerned in the meetings declared to be "riotous, tumultuous, and treasonable." The committee have looked in vain in the statute-books of the several States of the Union for an act which, in its provisions, bears any resemblance to the one under consideration. And they believe it to be the first instance in the republic in which a State has provided, by legal enactment, to have its citizens, who are holding a peaceful meeting, shot down by an armed military, if they do not instantly obey an order to disperse.\*—(For the act now under consideration, see appendix, No. 232.)

But the committee forbear to comment upon the despotic and sanguinary features of such legislation, further than to remark, that, by it, the people were intimidated and prevented from electing members of Congress, under their own constitution and laws; and therefore were deprived of that opportunity of submitting their cause to the arbitrament and decision of the nation, through its Representatives in Congress assembled.

Such were the legal coercions resorted to by the dominant authorities of Rhode Island, to prevent the people, not only from organizing a government under their constitution, but from presenting the questions of right and of fact, growing out of their movement, for the decision of Congress—the only tribunal that could determine those questions by direct jurisdiction—through its power of supervision over the constitutions of the States.

There is one more legislative expedient resorted to by the charter author-

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\* In April, 1842, the charter assembly amended the existing riot act of the State, which required one hour to elapse after proclamation, before military force could be used, so as to authorize its application *instantly* after the proclamation; but it did not declare the meetings of the people, to elect officers under their constitution, "riotous, tumultuous, and treasonable assemblies," although there is no reason to doubt that to disperse such instantly by the bayonet was the object of this amendment of the riot act.—(See appendix, No. 232, A.)

ities to suppress the suffrage movement, to which the committee will briefly allude; and which was, the scheme of the legislature *to disband all the military companies suspected of being inclined in favor of the suffrage movement*, and to reorganize companies composed entirely of adherents of the charter cause. The latter companies were also favored by legislation in numerous ways; armories were built for them, and douceurs, in other forms, voted by the legislature, to encourage them and secure their fidelity.

As military service is one of the qualifications of suffrage under the existing constitution, the law was so contrived as to exclude the suffrage men from qualifying themselves in that way. The power of enrollment was retained in the hands of the charter party, who could enroll such as they pleased, or exclude such as they pleased; and thus, to some extent, they had a control over the right of suffrage.

For the particular acts of the General Assembly, passed with a view to the above objects, and which proved to a great extent successful, the committee refer to the appendix, where they are collated.

The committee now proceed to notice, briefly, some of the misrepresentations, persecutions, and outrages of which the suffrage party have been made the victims by the dominant authorities of the State of Rhode Island, and by persons intrusted with office and power under said authorities. The misrepresentations of which the people have been the objects, will be first noticed.

### *Misrepresentations.*

During the progress of the debate upon the memorial which is now before the committee, the signers of it were, in substance, charged by one of the members now representing the State of Rhode Island in the House, with presenting to the House a tissue of falsehood, which he alleged the memorial contained; which charge applied to all the material averments of the paper. The same member, also, among other things, charged the suffrage party, and their confederates, with having formed a plot to plunder the banks of the city of Providence, and to subject its women to brutal violence; which plot was carried so far towards its execution as the designation of a signal, on which the infernal work of plunder and violence was to commence.

In relation to the general charge of falsehood preferred against the memorialists, the committee are bound in justice to say that all the material averments and allegations contained in the memorial have been proved to be true by the testimony, oral and documentary, which has been presented to the committee, and which is hereunto annexed.

In relation to the charge that the suffrage party, or any person connected or confederated with it, in or out of the State of Rhode Island, had formed a plot to plunder the city of Providence, and to commit the other enormities alleged, the committee deemed it of so important a character, (coming from the source it did,) as to require their most searching scrutiny and investigation—well knowing that no party or class of men in this country would uphold a party who could be guilty of concocting a plot so wicked, atrocious, and diabolical. The committee felt that, however just the cause of the suffrage party of Rhode Island might have been in the outset, if they had stained it by a crime so revolting, they had forfeited all claim to the sympathies and the support of their countrymen, and had debarred them-

selves of all favor from the House. With a view, therefore, of eliciting all the facts connected with this charge, and to give the utmost opportunity to the individual who preferred it to substantiate it by testimony, the committee, at an early stage of their investigation, passed the following resolution:

*"Resolved,* That the chairman of this committee request the Hon. Henry Y. Cranston, of the House of Representatives, to communicate to this committee the names of the persons by whom the fact, stated by him in his speech in the House of Representatives, during the present session, upon the resolution, reported by this committee, for power to send for persons and papers, that the suffrage party of the State of Rhode Island, and their confederates in or out of said State, had, during the late difficulties in that State, formed a plot to rob the banks and violate the women of the city of Providence, can be proved."

A copy of this resolution was immediately delivered to the Hon. Mr. Cranston by the chairman of the committee. Yet, during the whole investigation, he has named no witness, nor given other information to the committee, by which the charge preferred by him against the suffrage party could be proved. The committee, nevertheless, deemed it their duty to resort to every means in their power to prove, or disprove, the charge. And with that view, questions were propounded to John S. Harris, Welcome B. Sayles, Aaron White, jr., and Captain John R. Vinton of the United States army—persons who were examined before the committee. The three first persons named are friendly to the people's constitution, but they are gentlemen of undoubted good character and unimpeachable veracity. Captain Vinton is a native of the State of Rhode Island, and, as appears from his testimony, was in favor of the charter government, and is now in favor of the existing government of his native State. Yet, the committee are glad to express their belief that, however strong his attachments were, and may be, to the dominant party of that State, his high sense of honor would not permit him to asperse, even by implication, much less by direct assertion, any portion of his fellow citizens, however much he might differ with them in opinion. He and the other three witnesses named concur in the statement that no authentic proof of any such plot as is before described ever came to their knowledge. Therefore, in the absence of all proof of, and all attempt to prove, the existence of such a plot, the committee are constrained to say that it has not appeared to them, nor do they believe, that there is any foundation whatever in fact for such a charge. In saying this, they, of course, *impute* no willful design to misrepresent on the part of those who have been instrumental in making such a charge against the suffrage party. They state only the facts, and leave to the House and the world to judge as to the motives of the originators of the calumny.

*Proscription, by the charter authorities, of the friends of the people's constitution.*

When, by the assistance of the Executive of the United States, the dominant party in Rhode Island had triumphed over the people, and suppressed their constitution and government, humanity suggested, and the President himself recommended, to the victorious party, to deal kindly and gently with their fellow-citizens with whom they had so seriously differed. The President, as if conscious that he had used his power in an unpopular, if not an intrinsically bad cause, urged the charter party, in earnest and



emphatic terms, to grant to the people the extension of the right of suffrage which they claimed, and to pass an amnesty for past offences. This course every enlightened person would have advised, and every government, content with a successful vindication of its authority, and not intent in wreaking on its subdued *subjects* its vindictive and insatiable vengeance, would have pursued. Yet the government of Rhode Island did not approve of this reasonable, this enlightened, this christian course of conduct towards those of its *subjects* who favored the people's constitution, and have since fallen into its power; but it has pursued them with forced exile, with indictments, trials, and punishments, to an extent which cannot fail, when known, to call forth the emphatic and indignant condemnation of every magnanimous and merciful man. The ruling party in that State are now engaged in this work—in indicting, trying, and condemning men equally as respectable, virtuous, and excellent in character, as themselves—men upon whom no taint of crime rests—some for *misdemeanors*, in acting as moderators or clerks of a peaceable meeting; some for *high crimes and misdemeanors*, in “*signifying*” that they would be candidates for office under the people's constitution; and others for “*treason*” against the State, in exercising the functions of office after they had been so elected. And all these prosecutions are for offences committed against a *defunct government*, which the dominant party of the State have admitted ought to have been abrogated, by the fact that they have adopted a new constitution and government in its place, and conceded to the people the great principle contended for—the right of suffrage. But a recapitulation of distinct cases of proscription and persecution will speak more eloquently than words the sentence of condemnation and of reprobation which ought to be pronounced upon the ignoble and malicious motives which prompt such persevering, relentless, and ruthless revenge. The committee refer to the following cases of proscription and persecution still persevered in by the present ruling party in Rhode Island, which have come to their knowledge, and which they have reason to believe are but a few of the many indictments and prosecutions still pending in the courts of that State:

1st. They begin with the case of Andrew Essex, a *farmer*, of the town of Cranston, Providence county, who is indicted for a “*high crime and misdemeanor*,” for *accepting the office of justice of the peace*, having been elected thereto under the people's constitution. The penalty of his offence is a fine of \$2,000, and imprisonment for one year. Indictment still pending.

2d. The next case is that of Charles A. Slocum, a *farmer*, of the town of Cranston, for *acting as moderator* of a town meeting under the people's constitution. Penalty—a fine not exceeding \$1,000, nor less than \$500, and imprisonment for the term of six months. Indictment still pending.

3d. The next case is that of Burrington Anthony, esq., of Providence, for *signifying* his acceptance of the office of sheriff, to which he had been elected under the people's constitution. Penalty—fine of \$2,000, and imprisonment for the term of one year. Indictment still pending.

4th. The next case is that of Franklin Cooley, of Providence, *stone-cutter*, for the crime of *treason*, in *accepting* the office of representative of the city of Providence under the people's constitution. Penalty—imprisonment for life in the State prison. Indictment still pending.

5th. The next case is that of Benjamin Arnold, of Providence, *grocer*, indicted for the crime of *treason*, he having accepted the office of representative of the city of Providence under the people's constitution. Penalty—imprisonment for life. Indictment still pending.

6th. The case of Clavis H. Bowen, esq., of Gloucester, indicted for *acting as clerk* of a town meeting in Gloucester, under the people's constitution. Penalty—fine not exceeding \$1,000, nor less than \$500, and imprisonment for six months. Indictment still pending.

7th. The case of Hezekiah Willard, a merchant, of the city of Providence, indicted for *treason*, he having *accepted* the office of senator from said city of Providence, under the people's constitution. Penalty—imprisonment for life. Indictment still pending.

8th. The case of William H. Smith, esq., of the city of Providence, indicted for *treason*, he having *accepted* the office of Secretary of State under the people's constitution. Penalty—imprisonment for life. Indictment still pending.

9th. The case of David Parmenter, a *shoemaker*, of the city of Providence, indicted for acting as moderator of a town meeting in the city of Providence, under the people's constitution. Penalty—fine not exceeding \$1,000, nor less than \$500, and imprisonment for six months. Indictment still pending.

10th. The case of Charles S. Sanders, of Smithfield, a *painter*, indicted for *treason*, he having *levied war* against the State on the 17th day of May. Penalty—imprisonment for life. Indictment still pending.

(For the ten cases above mentioned, see appendix, No. 229, certificate of the clerk of the court in Providence county.)

11th. The case of Wilmarth Heath, of Barrington, a *farmer*, indicted for acting as moderator of a town meeting in Barrington, under the people's constitution. Penalty—fine not exceeding \$1,000, nor less than \$500, and imprisonment six months. Heath was tried at the last March term of the supreme court, found guilty, "recommended to *mercy*" by the jury, and sentence postponed to the next term.

12th. The case of Martin Luther, a *shoemaker*, indicted for acting as moderator of a town meeting in Warren, in the county of Bristol, and for receiving votes under the people's constitution. Tried at the March term of the supreme court, 1844, found guilty, and sentenced to pay a fine of \$500, and be imprisoned six months. *This man is now in prison under this sentence.*

13th. The case of Benjamin M. Bosworth, of Warren, a *machine maker*, indicted for acting as clerk of a town meeting in Warren, and for receiving and recording votes at said meeting, under the people's constitution. Tried at the March term of the supreme court, 1844, found guilty, and recommended to mercy by the jury. Sentence postponed to the next term.

14th. The case of Joseph Gavit, of Charlestown, a *farmer*, indicted for *treason* in *assembling* to exercise the functions of the office of a member of the House of Representatives under the people's constitution. The offence charged as having been committed in the *county of Providence*; indictment found in the *county of Washington*. Penalty—imprisonment for life. Indictment still pending.

15th. The case of Sylvester Himes, of North Kingston, a *farmer*, indicted for *treason*, in *assembling* to exercise the functions of a member of the House of Representatives under the people's constitution. The offence charged to have been committed in the *county of Providence*; indicted in the *county of Washington*. Penalty—imprisonment for life. Indictment still pending.

16th. The case of George T. Nichols, of North Kingston, a *farmer*, indicted for acting as moderator and receiving votes at a town meeting in North Kingston, under the people's constitution. Penalty—fine not exceed-



ing \$1,000, nor less than \$500, and imprisonment for life. Indictment still pending.

17th. The case of William P. Dean, of Providence, gentleman; indicted for *treason*, in levying war against the State. Offence alleged to have been committed in the *county of Providence*; indicted in *Washington county*. Penalty—imprisonment for life. Indictment still pending.

18th. The case of Charles W. Campbell, *shoemaker*, and Andrew Thompson, *housewright*, of Providence; indicted for breaking open an engine-house and stealing "two brass cannons," the property of the State of Rhode Island. The offence is alleged to have been committed in Providence county; indicted in *Bristol county*. Indictment still pending.

(For the foregoing cases, see indictments in the appendix.)

Nearly all the nineteen cases above described are for constructive, or rather factitious, treasons and other offences, under the act best known as the "Algerine act." And fourteen of them are men in the humblest walks of life, being farmers and mechanics. What civilized government, out of the limits of Rhode Island, would pursue with such an unrelenting spirit of malice and revenge such humble men? Dignified and chivalrous governments, if they deem it necessary to make any sacrifice of life or liberty, content themselves with striking down the leaders in treason and rebellion, and never degrade and demean themselves by persecuting the humble and undistinguished participants and followers in such enterprises. Even under the despotic governments of Europe, at this day, such conduct towards the humble *subject* would be deemed dishonorable, unmanly, and grovelling. Besides, the offences are too paltry to be worthy of the efforts of a respectable government to punish.\*

And what adds a deeper shade of discredit to this disreputable proscription on the part of the existing government of Rhode Island, not a single man of the nineteen indicted, whose cases are given above, ever *intended* to commit, or supposed they were committing, *a crime*, when they were doing the very acts for which they stand charged with crime. They supposed they were pursuing a great right, which was guaranteed to them by the institutions of their country; and if they had not entertained this belief, not one of them would have been concerned in acts which, according to the laws of Rhode Island as now administered, have subjected them to the penalties of fine and imprisonment, even during life. *Intention* constitutes the very essence of crime. That essential ingredient, it may be safely assumed, is absent in every one of the cases above cited. If those men were not right in the course they pursued, they were deluded; and after that delusion had been dispelled by defeat and subjection, is it humane, is it magnanimous, is it just, to punish it as a crime? The committee cannot but hope that more lenient counsels will prevail among the ruling party of Rhode Island; and they trust that, if the spirit of vengeance and retaliation cannot be allayed, a decent respect for the opinions of the world will induce them to forbear the further persecution of their fellow citizens, who have been guilty of no offence but an honest difference of opinion, on a great question affecting their dearest rights and liberties.

\* Since preparing the body of the report, the fact has come to the knowledge of the committee, that females were made subjects of the proscriptive vengeance of the charter party, and were actually arrested and detained for the most trivial offences—for dressing to give the names of the male members of their families, to be enrolled in the militia! For the facts connected with these shameful and disgraceful proceedings, the committee refer to the statement of Mrs. Abby H. Lund, together with a copy of the indictment against her, which will be found in the appendix to the papers appended to this report.



It is also worthy of remark that, in the difficulties which occurred in Rhode Island, during the attempt to establish the people's constitution, the committee have not yet learned that a single life was taken, or private property violated, by the suffrage party or any individual attached to it. This fact speaks volumes in favor of the moderation of its course, and shows conclusively that none of its members could have been actuated by criminal intentions.

It is also due to truth to remark, that the committee have reason to believe that the nineteen cases, described above, fall very far short of the whole number of prosecutions for similar offences. It is a fact notorious to the country, that several others have been indicted for treason, among whom is the Hon. Dutee J. Pearce, of Newport, formerly a distinguished member of Congress from the State of Rhode Island, who was a member of the House of Representatives under the people's constitution.

Another case is that of Thomas W. Dorr, who was elected to the office of governor, under the people's constitution, and who has recently been tried for the crime of *treason*. He is known personally to one of the members of this committee to be a gentleman of high character, and very superior talents and accomplishments—a man whose good name would never intentionally be stained with the perpetration of crime. His native State has seldom produced a man favored with brighter faculties, or adorned with purer virtues. What could such a man care about the honor of being at the head of the government of Rhode Island, except it was to assert and vindicate what he believed to be a great principle of right, on which he believed the liberties of the people depended? He is connected by relationship with the most respectable and wealthy families belonging to the ruling party of the State; he has talents of a high order, and an education finished and complete. And if he had continued to support the interests of the charter government, his pathway to the highest honors within its gift was open and unimpeded, and his success not to be doubted. For what could such a man abandon such prospects, for the purpose of leading the people in a hazardous and perilous enterprise, if it were not to assert and vindicate a great principle? Could he be charged with a desire for the honors and emoluments of office? The office of governor of Rhode Island, with its salary of \$400, could hardly be a prize sufficiently dazzling to win such a man from his high hopes and brilliant promises. Could it be love of plunder? His enemies have admitted that, aside from his political theories, he was honest. Who, then, will for a moment suppose that Thomas Wilson Dorr ever contemplated the crime of *treason*, which implies a wicked and corrupt attempt to overthrow a government admitted to be rightfully and legitimately existing? What other obvious intention could he have, but to assert and vindicate the great principle of popular sovereignty, involved in the contest between the two parties in Rhode Island? Yet this man has been convicted of treason by a jury of twelve men, (*every one of whom was his political opponent*;) and is now liable to be sentenced to imprisonment for life for that offence. Does justice, or the security of the State of Rhode Island, require such severity of punishment? Yet the committee deprecate no mercy for Governor Dorr. The time will come when his countrymen will appreciate the great principle for which he now suffers the vengeance of his persecutors, and do justice to his acts and his motives. The same sentence will also remove from his shoulders, to those of his pursuers, the load of stigma which they have attempted to cast upon him. After

the lapse of seventy years from the Revolution, the cause of liberty may require the blood of some martyrs, even in America ; but from it, like armed men from the dragon's teeth, will spring up myriads of brave and fearless asserters of the rights of the people, by whose courage and efforts the principles of the declaration of independence may be reinstated in our institutions of government.

*Miscellaneous acts of outrage and oppression by persons acting under the authority of the charter government.*

Under the general authority conferred upon the committee, they caused a commission to be issued to Benjamin F. Hallett, esq., of Boston, to take the testimony of certain witnesses therein named, in order to prove specific acts of outrage and violence, by which the people of Rhode Island were intimidated, and their constitution suppressed.\* A large mass of proof has been obtained by the commissioner, in pursuance of the authority delegated to him by the committee, an abstract of which follows :

1. The first matters inquired into by the commissioner were the outrages of the charter troops in Pawtucket, and the murder of Alexander Kilby, the particulars of which follow.

They first call the attention of the House to the murder of Alexander Kilby, a citizen of Pawtucket, Mass. This event occurred on the 27th day of June, 1842, being immediately after the State of Rhode Island was placed under martial law. On that day, a detachment of charter troops was sent from Providence to Pawtucket, which is a large manufacturing village, situated partly in Rhode Island, and partly in Massachusetts—Pawtucket river dividing the two portions of the village, which were united by a bridge. Until the arrival of these troops, there appears to have been no disturbance or particular excitement among the people on either side of the river. After their arrival, and near the evening, they commenced acts of outrage and violence, which can find no excuse or palliation in the conduct of the inhabitants. They began these outrages by repeated discharges of musketry, *loaded with ball cartridges*, among the populace of the village, who had been drawn together more from curiosity than any other motive, and who had offered no resistance or violence to the military. Many of the balls thus discharged rattled upon the brick walls of the houses, others penetrated and lodged inside. Two of the citizens were hit and slightly wounded, and Alexander Kilby, a peaceable and quiet citizen, was shot dead. To show the circumstances under which he was killed more particularly, the committee extract the following statement from the deposition of Samuel W. Miller, who stood near Kilby at the time he was shot.

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\* Commissions were first issued to Walter S. Burgess, George Turner, and Jesse S. Tourtellot, esquires, who were citizens of Rhode Island. Before proceeding to execute their commissions, they were threatened with prosecution by the present government of the State, under an act of the State prohibiting the administration of extra-judicial oaths; an act originally aimed at the oaths administered at masonic lodges. These threats were thrown out to intimidate the commissioners from executing their commissions, in the vain hope of suppressing the facts which the investigation by the committee was likely to elicit. Yet, as appears by the documents accompanying the President's message, in answer to a resolution of the committee, this law was repeatedly violated by Judge Pitman, Henry Bowen, and Thomas M. Burgess, adherents of the charter government, who did not scruple to take depositions and administer oaths contrary to its provisions; for which they have never been called to an account, and never will be. The committee, however, were not defeated by this paltry expedient to elude an inquiry into their acts, by the existing authorities of the State.

Miller was a resident of Pawtucket, on the Rhode Island side of the river. He says:

"On Monday evening, June 27, 1842, about dusk, I crossed over the bridge from the Rhode Island to the Massachusetts side, at Pawtucket, there being a guard of armed men stationed on the bridge at that time. I went up to Mr. Abell's hotel, and remained there until about 8½ o'clock, p. m., when a person came in and stated that a woman had been killed on the bridge. I had previously heard the discharges of musketry, but, supposing them to be blank cartridges, I did not take any notice of them. I immediately started for the bridge, to learn if the report was correct; and had proceeded as far as the corner of Mr. William Sweet's shop, within eighteen yards of the soldiers at the bridge, when I was accosted by Mr. Alexander Kilby, who put out his hand and asked when I was going down the river. At that moment I saw two of the soldiers on the bridge taking deliberate aim at us, and heard Nehemiah Potter, of Pawtucket, then in command of the soldiery, and whom I knew well, give the order to fire. I know that he was the person who gave the order to fire. I grasped Kilby's hand to pull him one side; but before I could succeed, one of the guns went off, and he fell dead at my feet; the other missed fire, which probably saved my own life. I left Kilby on the ground, and hurried back to Abell's hotel, the soldiers continuing to fire, the effects of which may be seen in a number of ball holes in the buildings in the vicinity of the bridge on the Massachusetts side. \* \* \* Kilby, at the time he was shot, was doing nothing to assail or provoke the soldiers, nor had I seen him. \* \* \* I never knew nor saw Kilby take any part in the suffrage cause. I saw no persons assailing or insulting the soldiers when Kilby was killed, and knew no reason why they should have fired on us."—(See Miller's testimony, appendix No. 24.)

Several other witnesses confirm the testimony of Miller, in all its essential particulars, as well in respect to the killing of Kilby, and the indiscriminate firing upon the citizens of Pawtucket, as to the fact that the troops had no adequate provocation for such an unjustifiable and atrocious outrage. No coroner's inquest was held on the body of Kilby; and he was buried while the bridge was surrounded by the charter troops with cannon loaded and matches lighted, the funeral procession passing near to them in its way to and from the place of burial.

Thus was a peaceable and inoffensive man murdered in cold blood, in mere wantonness, and without a pretence of justification by the charter troops of Rhode Island. Kilby, the murdered man, left a wife and seven children in indigent circumstances. After his death, it is proved that the citizens of Pawtucket and other places contributed sums of money, amounting to about \$200, for their relief. But the authorities of Rhode Island have done nothing to mitigate the privations and sorrows of a family whose protector and father was shot down by the wanton act of troops in their own employment.

Other acts of violence were committed upon persons and property at the same time, by the charter troops. Among them are the following cases:

Daniel F. Cutting was hit in the arm with a musket ball, and slightly wounded. Another man, William R. Silloway, was slightly wounded in the knee with a musket ball. Robert Abell and Larned Scott, while passing over the bridge on to the Rhode Island side, in a covered carriage, were shot at without cause or provocation, the ball penetrating the carriage, and passing through between the two inmates, at the imminent hazard of their



lives. Samuel W. Miller was arrested by the charter troops without cause, rudely treated, and finally discharged. His house was searched, his shop broken open, and his property damaged. Amos Ide was arrested by James N. Olney, a citizen of New York, and placed under a guard of four men, two of whom said they were citizens of New York, and one was a citizen of Massachusetts. He was finally discharged, nothing appearing against him.

John S. Despean was arrested without cause, taken to Providence, and discharged. The soldiers took possession of his confectionary shop, and converted a portion of its contents to their own use, for which he never has been paid.

The witnesses all concur in the statement that the disturbances which occurred in Pawtucket were produced by the charter troops sent there from Providence. All the acts of violence and outrage detailed above, were unprovoked and unjustifiable; and the discharge of loaded muskets into the centre of a populous village can be ascribed to no other motive than a wanton disposition to destroy human life. For proof of the facts above stated, the committee refer to the depositions of the witnesses in the appendix.

2. The second matter inquired into by the commissioner, was the detention of Governor Dorr's order to disband the suffrage forces, by which the peace of the State, and the lives of its citizens, were kept in peril a day longer; and the interference with the public press.

The testimony under this head shows that before 7 o'clock in the afternoon of the 27th day of June, 1842, Governor King and his council had intercepted and knew Governor Dorr's order to disband his troops, which was enclosed in a letter to Walter S. Burgess, esq., with an urgent request that the order should be forthwith published in the Express newspaper, the organ of the suffrage party, and that Governor King and his council, together with *Col. James Bankhead, of the United States army, (who appears to have been present at the consultation,)* believed that the suffrage troops had been disbanded. It further shows that Governor King and his council intercepted and broke open Governor Dorr's letter, and detained it until 9 o'clock the next morning. The depositions under this head, and that of Col. Harvey Chaffee, taken to prove the facts hereinafter stated under the fourth head, establish the very material fact, that on Monday evening, the 27th of June, it was known to the charter authorities, civil and military, that Dorr had disbanded his men, and resistance was at an end; that they knew he only desired to have his men allowed to return peaceably to their homes; that they had the means to have published his order on Monday evening or Tuesday morning, and thus have put an end to the excitement and all the subsequent outrages; that, with this knowledge, *they suppressed the order until about Tuesday noon*; and, in the mean time, they sent their troops to Chepachet, who captured the abandoned fort, and seized and conveyed to Providence a large number of innocent persons as prisoners, besides committing numerous other outrages upon the persons and property of suffrage-men; that, instead of sending the intelligence of the disbandment of the suffrage forces to Pawtucket, to quiet matters there, they sent two companies of troops, which led to the murder of Kilby, as has been before described. The testimony also proves that some four hours after they knew in Providence that the whole suffrage enterprise was at an end, within four miles of Providence, and after it was

known that Kilby had been shot, Governor King sent a park of artillery to Pawtucket to blow up the bridge between Rhode Island and Massachusetts.

It further appears, by the deposition of Robert Abell, (appendix No. 31,) that on the night Kilby was shot, (June 27,) at about 12 o'clock, John Whipple, esq., of Providence, escorted by two armed men, entered Abell's house, and told him Dorr had left Chepachet and the war was over. This fact brings the knowledge home to the charter authorities before most of the outrages hereinafter mentioned were committed, and demonstrates, beyond the power of contradiction, *that revenge, and not defence, was the ruling motive of the charter authorities and their adherents, after the disbanding of the suffrage-men.*

The testimony under this head also proves a direct interference of armed men, coupled with the menaces of the charter party to suppress the suffrage press, and by which the "Express" newspaper was suppressed, as is directly proved by the depositions of its proprietors and editors, whose testimony is confirmed by the fact that Governor King gave them a license to publish the order of Governor Dorr disbanding his troops.

Aaron Simons, a person attached to the office of the "Herald," states that Samuel Dexter, son in law to the present Governor of the State, (James Fennner,) came into the office, made use of abusive and violent language, saying "that the press and types ought to be thrown into the street, and that he would be one to help do it. From threats out doors, and other causes, the press was kept in awe during the continuance of martial law, and the liberty of the press was, in a great measure, suppressed."

For the threatening and abusive language, tending to excite the angry passions of the mob, indulged in by the adherents of the charter government towards the conductors of the suffrage press, the committee refer to the testimony in the appendix.

3. The third branch of the testimony taken by the commissioner relates to the arrests, searches, and acts of violence committed upon the persons and property of the suffrage citizens of Rhode Island. The following are the most striking cases:

The first is the case of Leonard Wakefield. He was a methodist clergyman, residing in Cumberland, Rhode Island. He was arrested on the 30th day of June, 1842, (three days after all appearance of hostility on the part of Governor Dorr had ceased,) and taken, with twenty-one other prisoners, to Providence, marched through the principal streets of that city amid the jeers and insults of the mob, committed to prison, and confined in a loathsome cell twelve feet by nine, poorly ventilated, with *fifteen other persons*, and kept on an allowance of two rations of stale bread and meat per day. He was imprisoned five or six days, and, nothing appearing against him, he was discharged. He was in favor of the suffrage cause, but had always exhorted both parties not to resort to arms.

Elias Whipple was arrested on the 6th day of July, confined in prison for the space of 31 days, on a charge of treason, and required to find recognizance in the sum of \$10,000, which he succeeded in doing. The grand jury found no bill against him. He had taken no part in the conflict, but to vote for the constitution and Governor Dorr.

Mehitable Howard, of Cumberland, a female, aged 62 years, was grossly assaulted and insulted. The following is her plain and simple story, exhibiting a cowardly ruffianism on the part of her assailants, as disgraceful to humanity as it was unprovoked and uncalled for. She says:

"On the 29th of June, 1842, in the morning, between 5 and 6 o'clock,



Alfred Ballou, with seven other men, all armed with guns, came to my house and entered it, I forbidding them to enter. Myself and grandchildren were the only persons in the house. He broke the door open, and drove it off the hinges. As Ballou came in, he seized me by the shoulders, and shook me hard, leaving prints where he took hold of me. He then pushed me, and pushed me against a post about three or four feet from where I was standing, which bruised my shoulder very much. He came up to me again, seized me, and pushed me again towards the window, saying 'get out of the way,' in a loud voice. He then gave me a shake, and left me, saying, 'where is Liberty, (meaning my son,) and where is the gun?' He went up stairs, and searched the chambers, turning the beds over in which the little children were. He then came down, went into my lodging room, and took a gun and carried it off. I was much overcome; but when he came out, I said 'I don't fear you, Mr. Ballou.' He then came up to me, laid his hands on me, shook me, and said in a very loud voice, 'Do you know that you are under martial law?' He then took his bayonet, and put the point of the bayonet against the pit of my stomach. He pressed the bayonet against me, and said, 'I will run you through,' looking very angry and spiteful. The point of the bayonet went through my clothes, and fractured the skin, but did not break it, but caused the blood to settle the size of a ninepence, or larger. I really believed at the time he intended to run me through. With my hand I knocked the bayonet away, and he stepped back, and stood and looked at me with a stern look, and then went out of the house. My husband was a suffrage-man, which is the only reason I know for this treatment. Ballou had been a neighbor of ours for near forty years. He was a charter man. I was hurt very bad, and unable to do much work for several days after, and have never recovered from the effects of the shock upon my system. I am sixty two years of age."

Nehemiah Knight was arrested for saying it was "a mean business to shoot Kilby." He was again arrested, and marched through the streets of Providence, to the armory, by a gang of white men and *negroes* armed, (mainly negroes,) and was guarded by negroes. He was kept in confinement two days, when, nothing appearing against him, he was discharged.

Elizabeth Nutter was assaulted and rudely treated by one of an armed band of charter men, while they were searching the house of a Mr. Haswell, where she resided.

Otis Holmes, a citizen of Providence of great respectability, had his dwelling-house, store, and brewery broken open by a band of armed charter men. He offered them his keys; but they preferred to force their way by violence. After searching his house, store, and brewery, he was marched off—two men holding him by the collar, while another walked in front with a pistol, to the office of Henry L. Bowen. The gang consisted of thirty men with muskets. He made no resistance; he heard no charges against him, and, without examination, was committed to jail, where he remained seven days; and then, without examination, he was put into one of the cells of the State prison, with seven others. He adds: "It was large enough for us to lie down by lying heads and points. I remained there twenty-one days. The suffering was extreme from heat and want of air, with plenty of vermin. The health of the prisoners suffered materially. During the time, I was examined by the commissioners. They charged me with keeping arms to aid the suffrage cause. No proof was shown. I was remanded. I then got a writ of *habeas corpus* before Judge Staples of the supreme court, and went before him in a room in the jail, and, upon a



hearing, was discharged. I was then immediately committed by the sheriff, on a warrant from Henry L. Bowen, on a charge of treason. I then applied for another writ of *habeas corpus*, which Judge Staples ordered to be heard before the whole court at Newport. I was there, and allowed bail in the sum of \$12,000, with sureties. At the next sitting of the court in the county of Providence, the grand jury found no bill against me, and I was discharged. I was in close prison fifty nine days."

Henry Lord, a non-combatant, was taken near Acote's Hill, marched with other prisoners, with arms pinioned, to Providence, and there confined in the State prison, with thirteen others, in a cell 7 feet by 10, in which he was kept twenty-one days, and discharged on parole.

The house of Martin Luther, in the town of Warren, was broken open on the 29th of June, 1842, by nine armed charter men, and the female inmates rudely treated—their lodging rooms being broken into before they had time to put on their necessary clothing. They used violent language to the mother of Mr. Luther—pointing a weapon at her breast, and threatening to "run her through" if she did not tell where her son Martin was.

Stafford Healey, a hired man of Mr. Luther, was, at the same time the transaction last described took place, forcibly seized by the same armed men who broke into Mr. Luther's house, carried to jail, where he was confined seven days, and then discharged—nothing appearing against him.

Jedediah Sprague was arrested and confined in prison twenty two days on a charge of treason, when, nothing appearing against him, he was discharged. His family were also grossly maltreated by the charter military at Chepachet, and his property despoiled and forcibly taken away to a large amount, (\$2,546, as he alleges,) which he has never been able to recover, and for which the government of Rhode Island have, as yet, allowed him nothing. For a particular account of the gross maltreatment of the females of his family and the plunder of his property, reference is made to his testimony in the appendix. Other depredations were also committed by the charter troops upon the property of the citizens of Chepachet, as appears by the testimony.

For the details of the cases above mentioned, the committee refer to the testimony under the third head in the appendix.

4. The fourth and last matter of inquiry was the taking of Acote's Hill, Dorr's post at Chepachet; orders to the military; interference of the United States officers, and the using of the custom-house at Providence as a place of deposit for military stores belonging to the charter authorities. Without giving a digested abstract of the testimony under the last-mentioned heads, the committee will briefly refer to the facts which it establishes.

They will first give an account of the capture of Acote's hill. It appears from the testimony that the encampment of Gov. Dorr was broken up on the morning of the 27th of June, 1842. This fact the charter government had learnt from the intercepted order of Gov. Dorr disbanding his forces; and, of course, before a soldier was ordered by them to Chepachet, there was no enemy to meet, no fighting to be done, and no honors to be won by the toil and blood of battle. The troops, therefore, were sent to capture a deserted fort—an achievement which they performed with a chivalrous heroism which became an enterprise so desperate, as will be seen by the following account of the incidents connected with the expedition. On the morning of the 28th, the charter troops arrived from Providence. As they approached,

they discharged their pieces at persons indiscriminately, whom they happened to see, and capturing such persons as they took a fancy to capture. There was no person in the encampment of Gov. Dorr, and nobody in arms in or about the hill, and no resistance whatever was offered by any one to the charter force. Having made their bloodless assault upon the dismantled fortress, they returned to a hotel near by, where several persons were captured and confined, and sundry acts of violence and insult to peaceable citizens were committed. The scene is thus described by Mr. Joseph Holbrook, a gentleman residing in Boston, who was an eye-witness. He says: "An advance of from eighteen to twenty five men, of the charter troops, (so called,) came up to the hotel; the main body of a division of about seven hundred men not being then in sight. The advance party were armed with rifles or carbines, and swords, and pistols; and as they approached at double quick time, they fired their pieces, without any apparent cause or the least provocation, at any persons they saw indiscriminately. When this advance party came up to the hotel, I inquired of one of them, who commanded the party? and he said Lieut. Pitman, and pointed him out to me. From what I then learned and saw, I have not the least doubt that this person was Mr. Pitman, the clerk of the United States courts of Rhode Island. I said there was no need of violence. Several persons were standing in the entry of the hotel, the front door being open. There was no show of resistance, and nothing to make it with. One of the persons in the entry was recognised by the men who came up, as Mr. Eddy, a suffrage man, as I then understood. He was called by name, and ordered to come out. He replied that he should not. Two of the armed party then rushed into the house, to force him out. A scuffle ensued between them in the entry, and the front door was accidentally shut. Lieut. Pitman observing this, gave the door a kick with his foot, but it did not open; he then leveled and took aim with his carbine, and appeared to be going to discharge it. Seeing this, I caught him by the shoulder, and begged of him not to fire, as he might kill some of his own men, as well as others. He replied: "I don't care a God damn if I can kill somebody," and instantly fired. A ball passed through the key-hole of the front door, and took effect in the thigh of Horace Bardine; and I saw him in a few minutes coming from the house, led by two men, and shot in the thigh. Lieut. Pitman's party charged upon them as soon as they appeared, and were forced back; and I did not see Bardine afterwards." —(See Holbrook's testimony.)

Another witness (Col. Mitchell, of Boston,) gives substantially the same account of the conduct of the charter troops on the occasion referred to; and states the additional fact, *that Col. Bankhead, of the United States army, was there in company with the charter troops.*

The next day, after picking up as many stragglers as they could find to swell their triumph, the charter army returned to the city of Providence with their prisoners in charge, and the spoils and plunder of the enemy. The finale of this celebrated military enterprise is thus described by Henry Lord, a man sixty years of age, who was among the captives. The troops had in charge about one hundred prisoners, all unarmed men, whom they had picked up by the way side in their march from Providence. He says: "The next morning we were mustered and tied together with large bed cords. The rope was passed in a close hitch around each man's arm, passing behind his back and fastening him close to his neighbor, there being eight thus tied together in each platoon. We had no use of the arm above

the elbow. In this way we were marched on foot to Providence, sixteen miles; threatened and pricked by the bayonet if we lagged from fatigue, the ropes severely chafing our arms; the skin was off of mine. In two instances, when the soldiers were halted, we were refused the use of their cups to get water from the brook which passed the road, and had no water till we reached Greenville, about eight miles. It was a very hot day; I had had no water or breakfast that morning, and I received no food until the next day in Providence. We were marched thus tied through the streets, and, after being exhibited, were put into the State prison. Fourteen were put into my cell, which was seven feet by ten. After remaining in prison twenty-five days, I was released on parole."—(See Lord's testimony.)

Such was the achievement of the charter troops at Chepachet, and such the exhibition they made in their march of triumph through the streets of Providence!

The testimony under the last named head proves also the following important facts, namely:

That the United States troops at Fort Adams were provided with ammunition, flints, and haversacks to carry rations. Provisions were also prepared for them for two days' service. They were daily inspected, and in every respect prepared for active service, *and were given to understand by their officers that they were to act on the charter side against the suffrage cause.*

That the magazine at Fort Adams was used as a depository for powder belonging to the charter government, which was taken away from time to time.

That cartridges for cannon, and United States muskets, were delivered to the charter troops from the United States magazine at Fort Adams.

That the United States custom-house at Providence was made a depot of arms and accoutrements by the charter authorities.

That the following officers and persons in the service of the United States took an active part on the charter side, bearing arms and serving in the military, viz: John Pitman, United States judge for the district of Rhode Island; John S. Pitman, clerk of the United States courts; Edward J. Mallet, postmaster at Providence; William R. Watson, United States collector; Sylvester Hartshorn, United States marshal; Richard W. Greene, United States district attorney; Peleg Aborn, United States surveyor; Remington Arnold, inspector of customs; and Elisha H. Rhodes, United States boatman. All these individuals were seen in arms in the ranks of the charter troops, and Edward J. Mallett and Sylvester Hartshorn were particularly officious in heading armed men and searching the houses of citizens belonging to the suffrage party. For the details of which, the committee must refer to the testimony taken by the commissioner, and annexed in the appendix.

It is also proved that arms belonging to the State of Massachusetts were provided for the use of the charter troops; and it is also in proof that boxes of accoutrements marked "U. S. A.," and belts bearing the initials of the United States, were among the deposits of arms at the custom house in Providence. This, and other facts proved in the course of the investigation, leave no doubt on the minds of the committee *that both arms and ammunition were supplied to the charter troops from the stores of the United States.*

The testimony shows that, especially after the declaration of martial law,



the most lawless and outrageous proceedings, on the side of the charter party, took place in reference to the persons and property of the suffrage party. Every individual of the former party seemed to imagine himself clothed with a license to invade the domicils of the latter, seize and injure their property, and commit assaults upon their persons. Never in the history of this country were the rights of the minority, in a political quarrel, so grossly disregarded and so wantonly violated. And never in our annals were such outrages perpetrated, even under the iron rule of martial law. The committee have given but few of the instances of insult and outrage upon persons and property which have come to their knowledge in the course of their investigations; a full detail of which would require more time and space than they could devote to this portion of their report. And they are bound, in justice to the suffrage party, to say, that, during all their trials, so well calculated to exhaust their forbearance, they were guilty of no bloodshed nor personal violence. Their fellow-citizens of the charter side suffered neither in person nor property by their acts.

#### CONCLUSION.

The committee cannot forbear, in concluding the views which they have very hastily, and therefore crudely and imperfectly, thrown together in relation to the questions of fact and of right connected with the suffrage movement in Rhode Island, to submit a few remarks designed to awaken the House, and, through the House, the American people, to the transcendent importance of the great leading question involved in this inquiry, viz: THE INHERENT SOVEREIGN RIGHT OF THE PEOPLE TO CHANGE AND REFORM THEIR EXISTING GOVERNMENTS AT PLEASURE.

It is the solemn conviction of their minds, that upon the full, free, and universal acknowledgment of this sacred right, in this and in every other country pretending to be free, the liberties of the people depend. For if they surrender this great principle, and admit that the sovereign power of the State does not reside in them, but in the political organization, or actual existing government; and that they cannot correct the defects in the original organic forms of government, or cannot abolish them and substitute others in their places, without the consent of the existing government,—what defence have they against the encroachments of those in power, either by actual and forcible usurpation, or false and insidious construction of the fundamental law? What ramparts exist against the approaches of despotic power? In what does the doctrine that the people cannot resort to their ultimate right of sovereignty, without the consent of the existing authorities of a State, as contended for by the President of the United States, differ in substance and essence from the *divine right of kings*, openly preached in the dark ages of European despotism?

The committee feel more deeply the importance of this subject of their investigation, from the great and imminent danger which now threatens the invaluable conservative principle of popular sovereignty, upon which, in their humble belief, the whole fabric of the American system of republican government is reared. They have seen, with deep regret and anxious alarm, the principle for which they are contending openly scoffed down and repudiated by one of the great political parties into which the people of this country are divided. They have seen it smothered by the leaders of that party in the Senate of the United States, who refused to listen to

the complaints of the aggrieved people of Rhode Island, or to make an effort to stay the executive arm of the Government, when it was unlawfully levelled against them and their cause. (See the proceedings of the Senate on the Rhode Island question, 27th Congress, 2d session—appendix.) And, lastly, they have seen one of the leaders of that party, now their acknowledged candidate for the highest office in the gift of the American people, arraying himself against the cause of free government, and denying and repudiating, in his open approval of the course of the President in the late difficulties in Rhode Island, the great principle upon which all free governments must be founded, viz: THE SOVEREIGNTY OF THE PEOPLE. (See letter of Henry Clay to John B. Francis, dated March 31, 1844—appendix.) When the committee witness the spectacle of a large and powerful party, individually, and collectively, through its organized political bodies, and its head and leader avowing openly and undisguisedly doctrines inimical to the liberties of the people and the principles of free government, they cannot but be deeply alarmed for the safety and perpetuity of our republican institutions. Therefore it is, that they look upon the question presented to the House and the country by the people of Rhode Island, as the most solemn and momentous in its character of any that has arisen since the American Revolution. On its decision by the American people depends the ultimate fate of free governments, and the weal or woe of countless millions destined to fill the places which we fill, and in their appropriate time become the watchmen and guardians of the temple of liberty, and the venerable and sacred monuments which it contains.

The committee are aware that it is alleged against the investigation in which they have been engaged, that no good can result from it. It is urged that the events which have given rise to it are past and gone, and no practical results can be attained by agitating the matter at this day. It is urged that, even if it were to appear that the people of Rhode Island were right in the principle they contended for, no remedy could now be extended to them; and, therefore, it is best that the wrongs they have suffered be permitted to slumber undisturbed in the dark tomb of events, which have lived their brief moment, and passed away to be buried and forgotten. But is it not of some consequence that the great principle involved in the suffrage movement should be defined and settled, even if no other benefit can result from this investigation? Is it not of the utmost importance that the people of the several States of this Union should be apprized of the views of Congress (which has an ultimate supervision over all their constitutions) in relation to the great question of their right to change and reform them, that they may know how far they may be permitted to exercise this right, and in what mode, and under what restrictions? It is for the want of this very knowledge that a large majority of the people of Rhode Island have been involved in all the consequences of alleged treason, and many of them actually indicted and prosecuted, with a view to subject them to its terrible penalties. It is for the want of this knowledge that they have been denounced as rebels and insurgents, and have been conquered and subdued by the government which they believed was ruling over them without right, aided by the military power of the Union.

The people of Rhode Island, in common with the whole body of the American people, confided in the assurance contained in the Declaration of Independence—that they had a right to alter or abolish existing forms of government, and institute other forms in their places. They saw this great

right proclaimed in the constitutions of twenty of the sovereign States of this Union; they saw it promulgated, in clear and emphatic terms, by all the great writers upon the subject of free government; and they had no doubt it was their right. And is it for a moment to be supposed that the majority of the people of a State, comprising in its ranks many of its best and purest citizens, would have incurred the perils of treason, and exposed themselves to the odious charge of insurrection and rebellion, and all their train of penalties, persecutions, and disgrace, on the pretence of exercising a great right, without entertaining an honest and sincere belief that they possessed it? And, if they have not this right, is it not due to justice and humanity that these deluded people should be disabused of their delusions, and taught the unwholesome truth that they are the *subjects* of government, and not its sovereigns; and that they cannot meddle with its fundamental forms, without first obtaining the consent of those who happen to possess, for the time being, the offices and power of government? In the belief of the committee, it is due to the unfortunate people of Rhode Island, whose honest motives have led them to incur the sufferings and persecutions of which they are now the victims, as well as to the American people at large, who may, from the same view (true or mistaken) of their rights, incur the same penalties and persecutions, to settle the question of the right of the people over their governments, which, hitherto, they have supposed existed in their own consent, and were instituted for their own benefit. For this reason, if no other could be assigned, the committee believe the investigation with which they have been charged will be attended with beneficial results—not only to the people of Rhode Island, who are immediately interested, but to the people of the whole Union, whose rights are involved in the issue of this question.

And they exult in the belief that their views and opinions touching the important matters involved in this inquiry have been so decidedly expressed as to leave no doubt in relation to their character. They do not hesitate to avow, in the most emphatic terms, their profound and conscientious conviction that the people of Rhode Island were right in the principle on which they acted in their late effort to establish a republican constitution in place of the old charter, under which they had so long lived. They believe that the doctrines promulgated by the President, in relation to the rights of the people in such cases, and the aid given by the Executive of the United States to the charter authorities, by which they were enabled to conquer the people and suppress their government, are at war with the great principle which lies at the very foundation of free government, and not warranted by the constitution. The committee believe that the President, in sustaining the pretensions of a government which had been abolished by the people of Rhode Island, and which held its power by direct and flagrant usurpation, has inflicted a blow upon the cause of popular rights, for which a long life of meritorious service cannot atone. And that the evil example set in this matter by the Executive may not hereafter be regarded as a precedent for similar invasions of the rights of the people, on the part of those who may be clothed with the dignity and power of the presidential office, they recommend to the House to impress upon it the seal of its most decided and emphatic condemnation.

In accordance with the facts found in the matter submitted to the committee by the House, and the principles endeavored to be maintained by them, they report, for the consideration of the House, the accompanying resolutions.



*Resolved*, That all free men, when they form the social compact, are equal; and that no man, or set of men, are entitled to exclusive, separate, public emoluments or privileges from the community.

*Resolved*, That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and for these ends they have at all times an unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper.

*Resolved*, That the sovereign power of the State of Rhode Island is inherent in the people thereof; and that they have at all times the unalienable and indefeasible right to alter, reform, or abolish their government, in such manner as they may think proper; and that any constitution or frame of government, republican in its form, adopted by them, is entitled to the guaranty of the United States, until abrogated by an act of said people, as solemn and authentic as that by which it was adopted.

*Resolved*, That the constitution adopted in December, 1841, by the people of Rhode Island, is republican in its form, and was rightfully adopted by a majority of said people, and, as such, was entitled to the guaranty of the United States until it was virtually surrendered by the assent of said people to the existing constitution of said State, as indicated by the act of registering their names and voting in the first general election under said last mentioned constitution.

*Resolved*, That the government established under the constitution adopted by the people of Rhode Island in December, 1841, and duly organized according to its provisions, was, until the said constitution was surrendered by the assent of the people to the existing constitution, the legitimate constitutional government of said State; and that all acts, laws, and proceedings of said government, under said constitution of 1841, and in accordance therewith, and the records thereof, are entitled to full faith and credit in all the other States of the Union, and in the courts of the United States.

*Resolved*, That the interference by the President of the United States with the military power of the Union, on the side of the late charter government of Rhode Island, against the constitution adopted in 1841, and by which the same was suppressed, was unauthorized by the constitution and laws of the United States, and in derogation of the rights of the people of Rhode Island.

*Resolved*, That John Pitman, United States judge for the district of Rhode Island; John T. Pitman, clerk of the United States courts for the district of Rhode Island; Edward J. Mallett, postmaster at Providence; William R. Watson, collector of customs at the port of Providence; Sylvester Hartshorn, marshal of the United States for the district of Rhode Island; Richard W. Greene, attorney of the United States for the district of Rhode Island; Peleg Aborn, surveyor at the port of Pawtuxet; Remington Arnold, inspector of customs; and Elisha H. Rhodes, United States boatman at said port of Pawtuxet, by personally interfering with arms, in a military capacity, in the late political contest of the people of Rhode Island, growing out of the attempt to establish a constitution for said State, have been guilty of conduct unauthorized by the constitution and laws of the United States, of evil example, and tending to compromise the Government of the United States in its relations with the State of Rhode Island, and to produce forcible collision between the people of said State and the authorities of the United States, at the imminent hazard of involving the whole Union in the calamities and horrors of civil war.

## JOURNAL

OF THE

SELECT COMMITTEE ON THE RHODE ISLAND MEMORIAL

THURSDAY, FEBRUARY 29, 1844.

The committee met. Present: Messrs. Burke, Rathbun, Causin, McClermand, and Preston.

Mr. Burke moved the following resolution:

*Resolved*, That this committee do keep a journal of its proceedings;

Which was unanimously adopted.

Adjourned to Saturday, March 2, at 10 o'clock, a. m.

SATURDAY, MARCH 2, 1844.

No business was done by the committee.

THURSDAY, MARCH 7, 1844.

The committee met. Present: Messrs. Burke, Rathbun, McClermand, and Preston.

Mr. Burke moved that the following resolution be reported, by the chairman, to the House of Representatives, for its adoption, viz:

*Resolved*, That the select committee on the memorial of certain members of the Rhode Island Legislature, have power to send for persons and papers.

Which motion passed in the affirmative by the following vote:

In the affirmative—Messrs. Burke, Rathbun, McClermand, and Preston.

In the negative—None.

Mr. Burke then moved that the committee do recommend to the House the following resolution, viz:

*Resolved*, That the President of the United States be requested to lay before this House the authority, and true copies of all requests and applications upon which he deemed it his duty to interfere with the naval and military forces of the United States, on the occasion of the recent attempt of the people of Rhode Island to establish a free constitution in the place of the old charter government of that State; also, copies of the instructions to, and statements of, the charter commissioners, sent to him by the then existing authorities of the State of Rhode Island; also, copies of the correspondence between the Executive of the United States and the charter government of the State of Rhode Island, and all the papers and docu-

ments connected with the same ; also, copies of the correspondence, if any, between the heads of departments and said charter government, or any person or persons connected with said government, and of any accompanying papers and documents ; also, copies of all orders issued by the Executive of the United States, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island ; also, copies of all orders to naval officers to prepare steam or other vessels of the United States, for service in the waters of Rhode Island ; also, copies of all orders to the officers of revenue-cutters for the same service ; also, copies of any instructions borne by the Secretary of War to Rhode Island, on his visit in 1842 to review the troops of the charter government ; also, copies of any order or orders to any officer or officers of the army or navy, to report themselves to the charter government ; and that he be further requested to lay before this House copies of any other paper or document in the possession of the Executive, connected with this subject, not above specially enumerated.

On the question, Shall said resolution be reported to the House for its adoption ? it passed in the affirmative by the following vote :

In the affirmative—Messrs. Burke, Rathbun, McClelland, and Preston.

In the negative—None.

On motion of Mr. Burke,

*Resolved*, That when this committee adjourn, it adjourn to meet again on notice by the chairman.

The committee then adjourned.

#### WEDNESDAY, MARCH 27, 1844.

The committee met on notice by the chairman. Present : Messrs. Burke, Rathbun, and McClelland.

Mr. Burke submitted for the consideration of the committee the three following resolutions, viz :

*Resolved*, That the committee will proceed with all reasonable despatch, first, to inquire into the fact of the adoption of the people's constitution (so called) by the people of Rhode Island ; and, secondly, to inquire into the fact of the interference by the President of the United States, or by any officer of the Government of the United States, in the internal affairs of the people of Rhode Island, during the pendency of the late difficulties in that State, growing out of the adoption and final suppression of the people's constitution.

*Resolved*, That any person or agent who may be appointed by the memorialists to superintend their interests before this committee may have leave to attend the sessions of this committee ; and that the two members of the House of Representatives from the State of Rhode Island, or any person acting under the authority and in behalf of said State, have leave to attend the sessions of this committee ; and that the chairman give notice to the memorialists, and to said members from the State of Rhode Island, of the adoption of this resolution.

*Resolved*, That the chairman notify John S. Harris and Burrington Anthony, of Providence, in the State of Rhode Island, and Welcome B. Sayles, of Cambridge, in the State of Massachusetts, to appear before the committee, for the purpose of examination relating to the matter referred to the committee.



Which resolutions were adopted by the following vote, viz :

In the affirmative—Mr. Burke, Mr. Rathbun, and Mr. McClernand.

In the negative—None.

On motion of Mr. Rathbun, the committee adjourned to Saturday next, at 9 o'clock, a. m.

### SATURDAY, MARCH 30, 1844.

The committee met. Present: Messrs. Burke and Rathbun.

No quorum being present, the committee adjourned, to meet on Monday, April 1st, at 9 o'clock, a. m.

### MONDAY, APRIL 1, 1844.

The committee met. Present: Messrs. Burke, Rathbun, and McClernand.

Mr. Burke moved the following resolutions :

*Resolved*, That the chairman of this committee communicate to the Governor of the State of Rhode Island a copy of the resolution adopted by this committee on the 27th day of March last, authorizing any agent of the memorialists, and the members of the House of Representatives from the State of Rhode Island, or any person duly authorized by the Executive of the State of Rhode Island, to appear before this committee, to superintend the interests of the respective parties.

*Resolved*, That the chairman of this committee request the Hon. Henry Y. Cranston, of the House of Representatives, to communicate to this committee the names of the persons by whom the fact stated by him in his speech in the House of Representatives, during the present session, upon the resolution reported by this committee for power to send for persons and papers, that the suffrage party of Rhode Island, and their confederates in or out of that State, had, during the late difficulties in that State, formed a plot to rob the banks, and violate the women, of the city of Providence, can be proved.

*Resolved*, That the chairman be directed to summon Aaron White, jr., of Thompson, in the State of Connecticut, to appear forthwith before this committee, and testify what he knows in relation to the matter contained in the memorial referred to this committee.

*Resolved*, That commissions, signed by the chairman of this committee, be directed to Walter S. Burgess, esq., of Providence, George Turner, esq., of Newport, and Jesse S. Tourtellot, esq., of Glocester, all in the State of Rhode Island; and to Benjamin F. Hallett, esq., of Boston, in the State of Massachusetts; requiring said commissioners to take the testimony of witnesses who may be examined in relation to the matters contained in the memorial referred to this committee; and that said commissioners shall state the subject matters to be inquired of, and the names of the witnesses to be examined; and, also, that said commissioners be directed to give notice to the Executive of the State of Rhode Island, and to Olney Ballou, one of the signers of the memorial, of the times and places when and where said testimony will be taken, and that an agent or attorney of each party be permitted to attend the taking of said testimony.

On the question, Shall said resolutions be adopted? it was decided in the affirmative, by the following vote:

In the affirmative—Messrs. Burke, Rathbun, and McClernand.

In the negative—None.

So said resolutions were adopted.

John S. Harris and Welcome B. Sayles having been previously summoned to attend before the committee as witnesses, were present; and sundry interrogatories were put by the committee to each of said witnesses.

On motion of Mr. Burke, the committee adjourned to meet on Thursday next, at 9 o'clock, a. m.

#### THURSDAY, APRIL 4, 1844.

The committee met. Present: Messrs. Burke, Rathbun, Causin, and McClerland.

Welcome B. Sayles and John S. Harris appeared before the committee, for examination.

The committee then, on motion of Mr. Burke, adjourned to Monday, April 8, at 9 o'clock, a. m.

#### MONDAY, APRIL 8, 1844.

The committee met. Present: Messrs. Burke, Rathbun, and McClerland.

Mr. Burke offered the following resolution, viz:

*Resolved*, That, at the next meeting of this committee at the room of the Committee on Public Lands, the committee will proceed to open and examine the votes given by the people of Rhode Island on the question of the adoption of the people's constitution, (so called;) and that the chairman give notice to the members of the House from the State of Rhode Island, of the time and place appointed to examine said votes, and that they be requested to attend, and make such objections to said votes as they may think proper; and if any votes shall be objected to, or challenged, the causes of such objections shall be stated in writing, together with the names and places of residence of the witnesses relied on to prove them.

Which resolution was adopted by the following vote:

In the affirmative—Messrs. Burke, Rathbun, and McClerland.

In the negative—None.

On motion of Mr. Burke, the committee adjourned to meet again on Wednesday, April 10, at 9 o'clock, a. m.

#### WEDNESDAY, APRIL 10, 1844.

The committee met. Present: Messrs. Burke, Rathbun, Causin, McClerland, and Preston.

On motion of Mr. Causin, the following minute was ordered to be entered on the journal of the committee—no one objecting:

"Mr. Causin and Mr. Preston desire it to be noted on the journal, that, had they been present when the resolution to examine the votes upon the adoption of the 'people's constitution' was passed, they would have offered a substitute confining the examination, under the power conferred by the House, to the facts connected with the interference of the President of the United States in the Rhode Island movement."

Mr. Burke moved the following resolution, to be reported to the House for its adoption, viz:

*Resolved*, That the Select Committee on the Rhode Island memorial be authorized to issue a commission to Walter S. Burgess of Providence, in the State of Rhode Island, empowering him to take such testimony as the committee may direct, in relation to the subject-matter of said memorial.

On the question of the adoption of said resolution, it passed in the affirmative by the following vote :

In the affirmative—Messrs. Burke, Rathbun, and McClerland.

In the negative—Messrs. Causin and Preston.

Mr. Burke then moved the following resolution, viz :

*Resolved*, That a sub committee of two be appointed by this committee, to count and examine the votes given on the question of the adoption of the people's constitution, and that they report the result of such examination to this committee; which resolution was adopted by the following vote :

In the affirmative—Messrs. Burke, Rathbun, Causin, McClerland, and Preston.

Messrs. Burke and Causin were then appointed said sub committee.

The committee then adjourned to meet on Saturday, April 13, at 9 o'clock in the morning.

#### SATURDAY, APRIL 13, 1844.

The committee did not meet.

#### THURSDAY, APRIL 25, 1844.

The committee met. Present: Messrs. Burke, Rathbun, and McClerland.

Mr. Burke moved the following resolution, viz :

*Resolved*, That the chairman be directed to issue a summons to Colonel James Bankhead, and to Captain John R. Vinton, of the United States army, to appear and testify before this committee.

The examination of Messrs. Harris and White was completed.

The chairman laid before the committee the memorial of Henry J. Duff, and others, naturalized citizens of Rhode Island, complaining of the injustice they suffer under the existing constitution of the State of Rhode Island; also, the petition of General Samuel Milroy, and a large number of other citizens of the State of Indiana, praying Congress to inquire into alleged abuses practised by the charter party of the State of Rhode Island; both of which were referred to the committee by the House of Representatives.

The committee then adjourned.

#### THURSDAY, MAY 2, 1844.

The committee met. Present: Messrs. Burke and Rathbun.

Colonel James Bankhead presented himself for examination.

Adjourned to Friday morning.

#### FRIDAY, MAY 3, 1844.

The committee met, pursuant to adjournment. The examination of Colonel Bankhead was resumed and concluded.—Adjourned.

#### SATURDAY, MAY 11, 1844.

The committee met. Present: Messrs. Burke, Rathbun, and Causin. Captain J. R. Vinton was present, and examined as a witness; which examination being completed, the committee adjourned.



## THURSDAY, MAY 23, 1844.

The committee met. Present: Messrs. Burke, Causin, and McClernand.

Mr. Burke submitted a report, expressing the views of the committee, which he proceeded to read, but before the same was concluded, the committee adjourned to meet on Friday, May 24.

## FRIDAY, MAY 24, 1844.

The committee met, agreeably to adjournment. Present: Messrs. Burke, Rathbun, Causin, and McClernand.

Mr. Burke continued the reading of the report submitted by him at the preceding meeting; but, before concluding the same, the committee adjourned to Saturday, May 25.

## SATURDAY, MAY 25, 1844.

The committee met, agreeably to adjournment. Present: Messrs. Burke, Rathbun, and Causin.

Mr. Burke continued the reading of the report submitted by him at a previous meeting; but, before concluding, the committee adjourned, to meet on Monday, May 27.

## MONDAY, MAY 27, 1844.

The committee did not meet.

## TUESDAY, MAY 28, 1844.

The committee met. Present: Messrs. Burke, Rathbun, and Causin.

Mr. Burke continued the reading of the report submitted by him at a former meeting; and, before the same was concluded, the committee adjourned, to meet on Wednesday, May 29, 1844.

## WEDNESDAY, MAY 29, 1844.

The committee met, pursuant to adjournment. Present: Messrs. Burke, Rathbun, and Causin.

Mr. Burke concluded the reading of his report; whereupon, the committee adjourned to Monday, June 3, 1844.

## MONDAY, JUNE 3, 1844.

The committee met, pursuant to adjournment. Present: Messrs. Burke, Rathbun, and McClernand.

Mr. Burke read certain resolutions appended to the report submitted by him at a former meeting.

Mr. Burke then submitted the following resolution:

*Resolved*, That the report and resolutions submitted by Mr. Burke to the committee be adopted, and the same reported to the House by the chairman, together with the journal of the committee.

Which was adopted; all the members of the committee present voting for the same.

On motion of Mr. Burke,

The committee adjourned *sine die*.

## SCHEDULE OF PAPERS

FORMING THE

## APPENDIX TO THE REPORT.

No. 1. Testimony of John S. Harris.

*Papers annexed to the testimony of Mr. Harris.*

No. 2. Report of the committee on the action of the General Assembly, on the subject of the constitution, and "Algerine act," marked I.

No. 3. Landholders' constitution, marked F.

No. 4. Address to the people on the subject of the formation of a constitution in 1834, marked E.

No. 5. People's constitution adopted in December, 1841, marked A.

No. 6. Report of the committee of the people's convention, appointed to count the votes given on the question of the adoption of the people's constitution, marked B.

No. 7. Proclamation of the convention, announcing the adoption of the people's constitution, marked B B.

No. 8. Opinion of John Pitman, now district judge of Rhode Island, in favor of the extension of the right of suffrage, in 1811, marked C.

No. 9. Copy of a constitution proposed by the convention assembled at Newport, R. I., June 21, 1824, marked D.

No. 10. Constitution of Rhode Island now in force, marked G.

No. 11. Ratification of the constitution of the United States by the convention of the State of Rhode Island and Providence Plantations.

No. 12. Proceedings of the Democratic State Convention of Rhode Island, recommending the people to register their names and vote under the existing constitution of the State, held December 20, 1842.

No. 13. Testimony of Welcome B. Sayles.

*Papers annexed to the testimony of Mr. Sayles.*

No. 14. Proceedings of the mass convention at Newport, R. I., May 5th, 1841, marked A.

No. 15. Resolutions of the mass convention held at Providence, R. I., July 5, 1841, marked B.

No. 16. Address of the State suffrage committee, setting forth the principles of the suffrage movement, marked C.

No. 17. Address of the State suffrage committee, calling upon the people to elect delegates to a convention for the purpose of forming a constitution, marked D.

No. 18. Extracts from the oration of George R. Burrell, delivered in Providence in 1797, in favor of a republican constitution, marked E.

No. 19. Extracts from the "Manufacturer's and Freeman's Journal," under dates of November 27th, December 11th, and 18th, 1820, and January 11th, 1821, marked F.

No. 20. Testimony of Aaron White, jr.

No. 21. Testimony of Colonel James Bankhead, United States army.

No. 22. Testimony of Captain John R. Vinton, United States army.

No. 22 a. Caption and return of commission to Benjamin F. Hallett, esq.

No. 22 b. Commission to Benjamin F. Hallett, esq.

## DEPOSITIONS TAKEN BY BENJAMIN F. HALLETT, Esq.

I. *Relating to transactions at Pawtucket, the outrages of the charter troops, and the homicide of Alexander Kilby.*

- No. 23. Deposition of Draper Carpenter.
- No. 24. Deposition of Samuel W. Miller.
- No. 25. Deposition of Freeman Crosby.
- No. 26. Deposition of Joseph Fletcher.
- No. 27. Deposition of Thomas V. Medbury.
- No. 28. Deposition of William R. Silloway.
- No. 29. Deposition of Asa E. Carpenter.
- No. 30. Deposition of David F. Cutting.
- No. 31. Deposition of Robert Abell.
- No. 32. Deposition of Larned Scott.
- No. 33. Deposition of Amos Ide.
- No. 34. Deposition of John S. Despean.
- No. 35. Deposition of Sarah Kilby.
- No. 36. Deposition of Elias B. Pitcher.

II. *Relating to interference with the suffrage press, and detention of order to disband the suffrage troops.*

- No. 37. Deposition of Walter S. Burgess, and copy of Gov. Dorr's letter to him.
- No. 38. Deposition of Samuel Low, and order of Gov. Dorr to disband the suffrage troops.
- No. 39. Deposition of William J. Miller.
- No. 40. Deposition of Walter R. Danforth.
- No. 41. Deposition of Aaron Simons.

III. *Relating to arrests, searches, and acts of alleged violence.*

- No. 42. Deposition of Leonard Wakefield.
- No. 43. Deposition of Eliab Whipple.
- No. 44. Deposition of Henry Lord.
- No. 45. Deposition of Mehitable Howard.
- No. 46. Deposition of Nathaniel Knight.
- No. 47. Deposition of Ann Maria Buffington.
- No. 48. Deposition of Elizabeth Nutter.
- No. 49. Deposition of Otis Holmes.
- No. 50. Deposition of Martin Luther, (not taken under commission.)
- No. 51. Deposition of Stafford Healy, (not taken under commission.)

IV. *Relating to the taking of Acote's Hill, Chepatchet—Orders to the military—Interference of United States officers; and use of custom-house, at Providence, for military stores.*

- No. 52. Deposition of Joseph Holbrook.
- No. 53. Deposition of Ariel Ballou.
- No. 54. Deposition of William Mitchell.
- No. 55. Deposition of Harvey Chaffee.



- No. 56. Deposition of William C. Thayer.
- No. 57. Deposition of George S. Reed.
- No. 58. Deposition of Thomas Reid.
- No. 59. Deposition of Peter Norton.
- No. 60. Deposition of Albion N. Olney.
- No. 61. Deposition of Simeon Sherman, jr.
- No. 62. Deposition of Abel Oaks.
- No. 63. Deposition of William Coleman.
- No. 64. Deposition of Stephen G. Coleman.
- No. 65. Deposition of John L. Johnson.
- No. 66. Deposition of William Haswell.
- No. 67. Deposition of Thomas Greene.
- No. 68. Deposition of Isaiah Barney.
- No. 69. Deposition of Lyman A. Taft.

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- No. 70. Deposition of Jedediah Sprague.
  - No. 71. Deposition of Clavis H. Bowen.
  - No. 72. Deposition of Asa Hawkins.
  - No. 73. Votes for the people's constitution, as counted by the select committee on the memorial.
  - No. 74. Copy of suffrage vote.
  - No. 75. Copies of the votes of ex-Senator Sprague and others, for the people's constitution, now violent persecutors of the suffrage party.
  - No. 76. Statement of taxes paid by non-voters in the city of Providence, persons serving in the militia, &c., &c., by Wm. H. Smith, esq.

*Papers filed in the case of Martin Luther vs. Luther M. Borden et al., pending in the Supreme Court of the United States.*

- No. 77. Bill of exceptions.
- No. 78. Proceedings of a convention of delegates of the freemen of the State of Rhode Island and Providence Plantations, met for the purpose of ratifying the constitution of the United States, May 29, 1790, marked A.
- No. 79. Report of Benjamin Hazard on the extension of suffrage, in 1829, marked B.
- No. 80. Resolutions passed by the General Assembly, January session, 1841, on a memorial of the town of Smithfield to enlarge the representation of that town to the General Assembly, marked C a.
- No. 81. Petition of Elisha Dillingham and others to the General Assembly of Rhode Island, praying the abrogation of the charter, and the establishment of a constitution, marked D.
- No. 82. A declaration of principles of the Rhode Island suffrage association, made February 7th, 1841, and April 13th, 1841, marked E.
- No. 83. Resolutions adopted at a mass meeting of the friends of suffrage, held at Newport, on the 5th day of May, 1841, setting forth the principles of the suffrage movement, marked F.
- No. 84. Resolutions adopted at a mass meeting of the friends of suffrage, held at Providence, July 5th, 1841, marked G.
- No. 85. Resolutions of the General Assembly, passed at the May session, 1841, in amendment of resolutions passed at the January session, same year, marked H a.
- No. 86. A call to the people of Rhode Island to assemble in convention, marked J a.

No. 87. Address of the State committee appointed by the suffrage convention at Newport, May 5, 1841, for the purpose of calling a convention to form a constitution for the State, marked J b.

No. 88. Constitution as finally adopted by the people's convention, which assembled at Providence on the 18th day of November, 1841, marked K.

No. 89. Resolutions of the people's convention, declaring the adoption of the people's constitution, marked L c.

No. 90. An act calling a convention of the people to frame a written constitution for the State of Rhode Island, as proposed by Mr. Atwell, and rejected by the General Assembly, marked H b.

No. 91. Copy of the records of the House, under date of May 7, 1841, showing the proceedings on the bill proposed by Mr. Atwell to call a convention of the people to frame a written constitution, marked I a and I b.

No. 92. Proceedings of the General Assembly, showing the refusal of that body to consider the proceedings of the people's convention, and the vote on the adoption of the people's constitution, marked L a.

No. 93. Proposed act to change the day of the annual election, dissolve the constitutional convention, and adjourn *sine die*—in other words, to recognise the people's constitution. Indefinitely postponed by the General Assembly, marked L b.

No. 94. Copy of an act passed by the General Assembly at the June session, 1842, to provide for calling a convention to frame a new (the existing) constitution, marked Q a.

No. 95. Copy of an act to amend the act calling a convention to frame a new constitution, passed at the June session, 1842, marked Q a.

No. 96. Proceedings of the charter assembly, rejecting Mr. Atwell's bill proposing the people's constitution for adoption or rejection, marked R.

No. 97. Organization of the government under the people's constitution, marked N a.

No. 98. Journal of the Senate under the people's constitution.

No. 99. Journal of the House of Representatives under the people's constitution.

No. 100. Acts and resolves of the Legislature under the people's constitution, marked N e.

No. 101. Table of population, marked O.

No. 102. State of votes for general officers in the elections, commencing with 1832 to 1841, inclusive, marked P.

No. 103. Copy of the act declaring martial law, passed by the General Assembly on the 25th day of June, 1842, marked Q.

No. 104. Proclamation of the people's convention, declaring the people's constitution to be the supreme fundamental law of Rhode Island, marked X.

No. 105. Agreement of parties to the action.

*Registers of the names of those persons who voted on the question of the adoption of the people's constitution.*

No. 106. Register of the city of Providence.

No. 107. Register of Smithfield.

No. 108. Register of Cumberland.

No. 109. Register of Burrillville.

No. 110. Register of Glocester.

No. 111. Register of Foster.

- No. 112. Register of Scituate.
- No. 113. Register of Johnston.
- No. 114. Register of North Providence.
- No. 115. Register of Cranston.
- No. 116. Register of Warwick.
- No. 117. Register of Coventry.
- No. 118. Register of East Greenwich.
- No. 119. Register of West Greenwich.
- No. 120. Register of North Kingstown.
- No. 121. Register of South Kingstown.
- No. 122. Register of Exeter.
- No. 123. Register of Richmond.
- No. 124. Register of Charlestown.
- No. 125. Register of Hopkinton.
- No. 126. Register of Westerly.
- No. 127. Register of Newport.
- No. 128. Register of Middletown.
- No. 129. Register of Portsmouth.
- No. 130. Register of Jamestown.
- No. 131. Register of New Shoreham.
- No. 132. Register of Tiverton.
- No. 133. Register of Little Compton.
- No. 134. Register of Bristol.
- No. 135. Register of Warren.
- No. 136. Register of Barrington.

*Charters and legislative documents.*

- No. 137. The charter of 1643, granted by Parliament.
- No. 138. Cromwell's letter to Rhode Island.
- No. 139. The charter of 1663, granted by King Charles II.
- No. 140. Declaration by the General Assembly, relating to suffrage, in the year 1664.
- No. 141. Declaration in relation to the qualification of voters by the General Assembly, in 1665.
- No. 142. Order of the General Assembly respecting persons voting who are not freemen, in 1667.
- No. 143. Act of General Assembly regulating elections, and prescribing the proxy mode of voting in 1663.
- No. 144. Act of 1666, regulating the admission of freemen.
- No. 145. Act fixing the freehold qualification of voters, passed in 1723.
- No. 146. Act relating to same subject, passed in 1729.
- No. 147. Act relating to same subject, passed in 1742.
- No. 148. Act relating to same subject, passed in 1746.
- No. 149. Legislation in reference to suffrage; and acts of 1798 and 1822, relating to same.
- No. 150. Act of 1824, calling a convention to frame a written constitution.
- No. 151. Act of 1834, calling a convention to frame a constitution.
- No. 152. Resolution of January, 1841, for same purpose.
- No. 153. Resolution of June, 1841, relating to same subject.



No. 154. Resolution of January, 1842, relating to same subject.

No. 155. Act in amendment of the act regulating the admission of free-men.

No. 156. Resolutions of the General Assembly relating to the people's constitution.

No. 157. Act of June, 1842, calling a convention to frame a constitution, (published in the case of Martin Luther—see No. 94.)

No. 158. Resolution of the convention, asking for a declaratory act.

No. 159. Act of October, 1842, declaratory of the act of June, 1842, and providing that a majority of those voting shall adopt the constitution.

No. 160. Account of the organization of the government of Rhode Island under the constitution of 1842.

No. 160 *a*. Report of the committee appointed to count the votes given on the adoption of the existing constitution of Rhode Island.

*Extracts from document No. 225, Ho. of Reps., 28th Congress, 1st session, relating to the interference of the President in the affairs of Rhode Island.*

No. 161. Message of the President, in answer to the resolution of the House relative to his interference in the affairs of the people of Rhode Island.

No. 162. Affidavit of Samuel Curry as to proceedings and arming of suffrage-men, February 5, 1842.

No. 163. Two letters from Samuel W. King, Governor of Rhode Island, to the President of the United States, calling for the aid of the United States to suppress the suffrage movement, dated April 4, 1842.

No. 164. Letter from the President, in reply to the foregoing letters of Governor King, dated April 11, 1842.

No. 165. Letter of Henry L. Bowen, Secretary of State of Rhode Island, to the President, April 7, 1842, with affidavits of Martin Stoddard, Hamilton Hoppin, Samuel Curry, Jacob Friese, Christopher Robinson, and Edward S. Wilkinson.

No. 166. Letter of John Whipple, craving audience with the President, in behalf of the Rhode Island committee, April 9, 1842.

No. 167. Statement of facts submitted to the President by John Whipple, John Brown Francis, and Elisha R. Potter, committee appointed by Governor King to confer with the President, April 10, 1842.

No. 168. Letter of Governor King to the President, dated May 4, 1842, transmitting resolutions of the General Assembly, declaring the State of Rhode Island in a state of insurrection, and calling for the military interference of the United States.

No. 169. The President's letter to Governor King, dated May 7, 1842, in reply to his letter of May 4, 1842.

No. 170. Letter of Thomas W. Dorr, Governor of Rhode Island and Providence Plantations, to the President of the United States, enclosing the resolutions of the General Assembly under the people's constitution; informing the President of the organization of the government under the said constitution.

No. 171. Confidential letter of the President to Governor King, May 9, 1842.

No. 172. Letter of Governor King to the President, dated May 12, 1842, acknowledging the receipt of the President's letter of May 9.

No. 173. Letter of Elisha R. Potter to the President, May 15, 1842.

No. 174. Private letter of the President to Mr. Potter, May 20, 1842.

No. 175. Letter of Thomas A. Jenckes, private secretary to Governor King, dated May 16, 1842, enclosing the proclamation of T. W. Dorr to the people of Rhode Island.

No. 176. Letter from Governor King to the President, dated May 25, 1842, stating that Mr. Dorr is organizing troops in other States, and calling for military aid.

No. 177. The President's reply to same, May 28, 1842, promising the aid required.

No. 178. Letter of the Secretary of War to Colonel Bankhead, May 28, 1842.

No. 179. Letter of J. C. Spencer to General Eustis, Boston, May 29, 1842.

No. 180. Instructions of the President to the Secretary of War, May 28, 1842.

No. 181. Letter of the President to the Secretary of War, June 29, 1842.

No. 182. Proclamation by the President of the United States to the people of Rhode Island.

No. 183. Letter of Daniel Webster, Secretary of State, to the President, June 3, 1842; enclosing anonymous letter of the same date.

No. 184. Letter of Colonel Bankhead to the Secretary of War, June 22, 1842.

No. 185. Letter of E. J. Mallett to the Postmaster General, June 26, 1842.

No. 186. Letter of Thos. M. Burgess, mayor of Providence, to the President, June 23, 1842.

No. 187. Letter of Governor King to the President, June 23, 1842.

No. 188. Letter of the President in reply, June 25, 1842.

No. 189. Depositions of Samuel W. Peckham, Charles F. Harris, Charles J. Shelley, and John C. Keep.

No. 190. Letter of Lieutenant E. D. Townsend to the Secretary of War, June 23, 1842.

No. 191. Letter of Colonel James Bankhead to the Secretary of War, June 23, 1842.

No. 192. Letter of Colonel James Bankhead to the Adjutant General of the United States, June 23, 1842.

No. 193. Letter from same to same, June 27, 1842.

No. 194. Communication signed by James F. Simmons, William Sprague, and Joseph L. Tillinghast, addressed to the President, June 27, 1842, urging him to comply with Governor King's requisition.

No. 195. Communication of the President to the Secretary of War, June 29, 1842, instructing him to proceed to Rhode Island.

No. 196. Depositions of Charles T. Martin, John F. Pond, and William S. Slater.

#### *Military orders.*

No. 197. Statement showing the number of United States troops stationed at Fort Adams, during the months of April, May, June, and July, 1842.

No. 198. Assistant Adjutant General to Major M. M. Payne, April 11, 1842.

No. 199. Assistant Adjutant General to Colonel A. C. W. Fanning, April 25, 1842.

No. 200. Same to Major M. M. Payne, April 25, 1842.

No. 201. Same to same, April 26, 1842.

No. 202. Same to Colonel J. Bankhead, April 26, 1842.

No. 203. Adjutant General to Major M. M. Payne, April 29, 1842.

No. 204. Same to Colonel Bankhead, May 5, 1842.

No. 205. Same to same, May 28, 1842.

No. 206. Same to same, June 1, 1842.

No. 207. Same to General John E. Wool, June 2, 1842.

No. 208. Extract from General Orders No. 33, June 2, 1842.

No. 209. Adjutant General to Colonel James Bankhead, June 6, 1842.

No. 210. Same to same, July 9, 1842.

No. 211. Assistant Adjutant General to Colonel Bankhead, June 11, 1842. (Extract.)

No. 212. Charge of Chief Justice Durfee to the grand jury, at the March term of the supreme judicial court at Bristol, Rhode Island, A. D. 1842, remarkable for its anti-republican doctrines.

No. 213. Organization of the government under the people's constitution, and message of Governor Dorr.

No. 214. Governor Dorr's address to the people of Rhode Island, August, 1843.

No. 215. Proclamations of Governor King, suspending martial law.

No. 216. Correspondence between John Brown Francis and Henry Clay, relative to the affairs of Rhode Island, March, 1844; and extract from the speech of Henry Clay, at Lexington, Kentucky, in the autumn of 1842.

*Indictments of suffrage-men for political offences against the charter government.*

No. 217. Indictment *vs.* William H. Smith, and certificate of commitment.

No. 218. Indictment *vs.* Burrington Anthony.

No. 218 *a.* Indictment *vs.* Hezekiah Willard.

No. 219. Indictment *vs.* William P. Dean, and certificate of imprisonment.

No. 220. Indictment *vs.* Benjamin Arnold.

No. 221. Indictment *vs.* Charles H. Campbell and Andrew Thompson.

No. 222. Indictment *vs.* Joseph Gavit.

No. 223. Indictment *vs.* Sylvester Himes.

No. 224. Indictment *vs.* David Parmenter.

No. 225. Indictment *vs.* George S. Nichols.

No. 226. Indictment *vs.* Martin Luther, and report of trial.

No. 227. Indictment *vs.* B. M. Bosworth, and report of trial.

No. 228. Indictment *vs.* Wilmarth Heath, and report of trial.

No. 229. Certificate of the clerk of the court in Providence county, Rhode Island, showing the number of persons indicted in that county, and certificate of the jailer of the commitment of Otis Holmes.

No. 230. Certificate of the keeper of the jail in Bristol county, Rhode



Island, showing the number of persons committed, who were connected with the suffrage movements.

No. 231. Statement of William J. Miller, showing the direction of Chief Justice Durfee to the jailer of Bristol county not to furnish certificates of commitment.

No. 232. An act in addition to, and in amendment of, an act entitled "An act in relation to the sovereign power of the State," passed by the General Assembly, January session, 1843.

No. 232 *a*. Act amending the riot act, passed by the General Assembly, April session, 1842.

*Acts of the legislature disbanding military companies supposed to favor the suffrage cause, and incorporating other companies.*

No. 233. Laws relating to the military, passed by the General Assembly, May session, 1842.

No. 234. Same, passed by the General Assembly, June session, 1842.

No. 235. Same, do. do. October session, 1842.

No. 236. Same, do. do. January session, 1843.

No. 237. First twenty-four sections of "An act to regulate the militia," June session, 1843.

No. 238. An act to regulate the election of civil officers, and for other purposes, January session, 1843.

No. 239. Speech of Thomas W. Dorr, on the right of the people of Rhode Island to form a constitution; delivered in the people's convention, Nov. 18, 1841.

No. 240. Report of the trial of Thomas W. Dorr, Governor of the State of Rhode Island under the people's constitution, on the charge of treason.

No. 241. Proceedings of the United States Senate, on the resolution of Mr. Allen, in relation to the difficulties in Rhode Island; 27th Congress, 2d session.

#### ADDENDA.

No. 242. Arrests of women—Statement of Mrs. Abby H. Lord.

No. 243. Copy of an indictment against Mrs. Abby H. Lord.

## APPENDIX.

## No. 1.

*Testimony of John S. Harris.*

1. Question by the committee. Are you a resident and citizen of Rhode Island, and how long have you been such?

Answer. I am a resident and citizen of Rhode Island; and from my birth to the present time, I have considered my residence to be in that State.

2. Question by the committee. Were you secretary of the convention which sat in Providence on the first Monday in October, 1841, which framed the people's constitution, so called?

Answer. I was one of the secretaries of the convention referred to in your question. That convention sat in Providence in October and November, 1841, and in January, 1842. The convention was called to meet in Providence on the first Monday of October, 1841, and did meet at that time, and framed a constitution, and published it for the consideration of the people, and adjourned to meet again at Providence on the 16th day of November then next following. And on the 16th day of November, said convention again assembled at Providence, and made some slight amendments to the constitution, as before published; and on the 18th day of November, the constitution herewith submitted (marked A) was framed, and agreed to by the convention, and ordered to be published and submitted to the people, agreeably to the requirements contained in the first, second, third, and fourth sections of the 14th article thereof. The said convention then adjourned until the 12th day of January, 1842, then to meet again in said Providence, for the purpose of counting and declaring the vote given in by the people upon the question of the adoption of said constitution. On the said 12th day of January, the convention again met; and the ballots given in by the people, upon the question of adoption the convention appointed a large and respectable committee to examine, count, and report the result; which committee, after a careful and very thorough examination of the registers kept by the officers who officiated at the meetings of the people of the different towns, and of the ballots or votes themselves, on the 13th day of said January made report of the result to the convention, which report was accepted and adopted, and published, as is annexed, (marked B.) Annexed, also, (marked B B,) is a copy of the proclamation made and published in compliance with a resolution of the convention. This proclamation was published in most, if not in all, the newspapers printed in the State. The convention, after declaring the constitution to have been adopted by the people, passed a vote authorizing the secretaries to furnish any persons with copies of the registers of the votes given in any of the towns, by being paid therefor. This was complied with for several days, until copies of nearly half the towns in the State had been furnished; but, upon representations made to

us, we were soon led to believe that the opponents of this constitution were using these lists to intimidate and proscribe those who had voted in good faith for that constitution. Indeed, I was in Mr. Dorr's office one evening, when George B. Holmes came in and called Mr. Dorr out to speak with him; when Mr. Dorr returned, he informed me that Mr. Holmes advised that no more copies of the lists ought to be furnished, as those who obtained them were using them to proscribe and intimidate the voters. Mr. Holmes employed a large number of men at the time, and was friendly to our cause, but subsequently became one of our opponents.

3. Question by the committee. Have you the original files and journal of the proceedings of said convention? and, if so, please communicate them to the committee.

Answer. I have now in my possession, and herewith show them to the committee, the original credentials of the delegates to that convention, and the report of the committee of said convention, to whom the credentials and qualifications of its members were referred. The report is as follows, viz :

"The committee to whom was referred the subject of the members elected to the convention, the towns represented, and the credentials presented, respectfully report : That they have examined the subject committed to them, and find that every town in the State, and the six wards in the city of Providence, are duly represented in nearly the proportion recommended by the call for said convention.

"That the town of Portsmouth was not, by the terms of said call, entitled to but one representative; but that, in consideration of the large fraction over 1,000 in its population, the convention received two delegates from said town.

"That but one delegate has appeared from the town of Glocester, said town being entitled to two.

"They would further report, that all of said delegates presented certificates of their election, certified by the chairman and secretaries of the meetings in the several towns and wards, which are now on the files of the convention.

"Respectfully submitted for the committee :

"PEREZ SIMMONS, *Chairman.*"

I have also the original journal of that convention; also, the original roll of members; and, I believe, every other paper. The document before submitted (marked A) is the constitution formed by said convention, and is the one voted for, and, as I verily believe, was adopted by a large majority of the *white* male adult *citizens* of said State. Of the truth of this, I have no more doubt than I have that there is such a place as London. In further proof of this, I annex the vote given upon the question of the adoption of what is familiarly called the *landholders'* constitution. This vote was taken on the 21st, 22d, and 23d days of March, 1842, and was considered by very many as a test or alternative expression of opinion between that and the people's constitution. The following vote passed at a mass meeting of the friends of that instrument, holden at Providence on the 7th of March, 1842:

"Amongst the resolutions offered by Charles Potter, esq., and adopted unanimously, was this :

"*Resolved*, That, in the opinion of this meeting, should this constitution be rejected, the State could not fall quietly back upon the old charter; but



that she would inevitably be exposed to all the evils of anarchy, or sink, with tarnished honor, and with dejected hopes, under a dominion established 'without law and against law.'"

The different requirements to become an elector, contained in the two constitutions, was such as to diminish the suffrage vote, in my opinion, some two thousand or more. The people's constitution, upon the question of its adoption, required the voter, at the time of voting, to have his permanent home in Rhode Island, and to vote thereafter in all general elections; to have resided in the State *one year*, and in the town or city where he voted, six months; and regarded naturalized citizens the same as any others. The landholders' constitution, on all questions, required two years' residence in the State for native citizens, and a freehold qualification of \$134 to enable naturalized citizens to vote.

In connexion, I would state to the committee that I have in my possession, as one of the secretaries of the people's convention, every original ballot or vote given in by the citizens of that State upon the question of its adoption; also, the registers of the names of the voters taken and certified to by the clerks of the meetings at which the vote was taken: all of which are herewith submitted to the examination of the committee.

I acted as moderator in the sixth ward of the city of Providence at the time the vote was taken on the adoption of the people's constitution; and, as such, endeavored to have the voting conducted with as much fairness, and with as great a desire to prevent fraudulent or illegal voting, as ever was done in any other similar ward meeting. Great care was taken by me, as the presiding officer of that meeting, that no one should vote but such as had the right by the provisions in said constitution. Votes were rejected by me on that occasion; and I do not now know of a single vote remaining on the register, or among the ballots, which is not a good vote. If there are any fraudulent votes or ballots now shown to the committee from that ward, they are unknown to me.

I am aware that charges of fraudulent voting, on the question of the adoption of the people's constitution, have been made by the charter party; but I never have seen anything but general and vague assertions, except with regard to the town of Newport. That party made charges of that character against that town, and published a list of those who, they say, had no right to vote. I, at the time, sought information from our friends with regard to the fact; and it is but just to say that there were votes received in that town, as I have been informed, which ought not to have been; but the reason given at the time for receiving them was, that they were included in the census, and, if not taken, *our side* would be counted as *against us* by our opponents. The list published as bad voters by the charter party, I *know*, is not true; but how many of those that I have spoken of there were, I cannot say. My informant estimated them at less than 200.

The following is the official report of the votes given for and against the [landholders'] constitution, as submitted to the General Assembly by the committee appointed to count them. The majority against the constitution is 676.

## VOTE OF PROVIDENCE.

	Against the constitution.				For the constitution
1st ward - - -	-	-	-	312	130
2d ward - - -	-	-	-	183	324
3d ward - - -	-	-	-	330	282
4th ward - - -	-	-	-	310	262
5th ward - - -	-	-	-	451	209
6th ward - - -	-	-	-	543	199
Total - - -	-	-	-	<u>2,129</u>	<u>1,406</u>

*Providence county.*

Providence - - -	-	-	-	2,129	1,406
North Providence - - -	-	-	-	430	150
Smithfield - - -	-	-	-	997	334
Cumberland - - -	-	-	-	638	210
Johnston - - -	-	-	-	231	148
Cranston - - -	-	-	-	283	156
Scituate - - -	-	-	-	371	280
Foster - - -	-	-	-	133	251
Burrillville - - -	-	-	-	326	52
Glocester - - -	-	-	-	387	59
Total - - -	-	-	-	<u>5,925</u>	<u>3,046</u>

*Newport county.*

Newport - - -	-	-	-	361	730
Middletown - - -	-	-	-	6	152
Portsmouth - - -	-	-	-	97	204
Tiverton - - -	-	-	-	86	371
Little Compton - - -	-	-	-	6	202
Jamestown - - -	-	-	-	11	46
New Shoreham - - -	-	-	-	34	94
Total - - -	-	-	-	<u>601</u>	<u>1,799</u>

*Kent county.*

Warwick - - -	-	-	-	595	382
Coventry - - -	-	-	-	279	266
East Greenwich - - -	-	-	-	97	146
West Greenwich - - -	-	-	-	44	179
Total - - -	-	-	-	<u>1,015</u>	<u>973</u>

*Bristol county*

			Against the constitution.	For the constitution.
Bristol	-	-	149	358
Warren	-	-	65	263
Barrington	-	-	24	62
Total	-	-	<u>238</u>	<u>683</u>

*Washington county.*

North Kingstown	-	-	265	210
South Kingstown	-	-	188	450
Exeter	-	-	32	258
Hopkinton	-	-	163	159
Richmond	-	-	69	167
Westerly	-	-	153	182
Charlestown	-	-	40	86
Total	-	-	<u>910</u>	<u>1,512</u>

*Recapitulation.*

Providence county	-	-	5,925	3,046
Newport	-	-	601	1,799
Kent	-	-	1,015	973
Bristol	-	-	238	683
Washington,	-	-	910	1,512
Total	-	-	<u>8,689</u>	<u>8,013</u>
			8,013	
Majority against	-	-	<u>676</u>	

4. Question by the committee. Were you clerk of the assembly, under the people's constitution, which convened in the city of Providence on the first Tuesday of May, 1842? And have you the original files and journal of the proceedings of said assembly? and, if so, please produce them to this committee.

Answer. I was one of the clerks of the House of Representatives of said assembly; and I have the original files of the same, and the journal of said house, and every original act, resolution, or vote of the same; and I herewith produce them for the inspection of the committee. I have also the journal of the Senate, kept by William H. Smith, esq., the secretary of state under that constitution. The handwriting in that journal I know to be his handwriting; and I believe it contains a true journal of the proceedings of that body.

[Copies of these journals and acts, resolutions, &c., will be found in the copy of the Martin Luther case, appended to this testimony.]

5. Question by the committee. How long have you been a resident of the city of Providence?



Answer. I have been a resident of the city of Providence since the year 1809, with the exception of about three years; and then I resided in the adjoining town of Johnston, at the dwelling of our family—that being my native town, and distant only three miles from Providence line.

6. Question by the committee. Have you a family? and, if so, please name the members; and how many are males, and how many are females.

Answer. I have a family, consisting of myself and six children—three males and three females. My two eldest children are males—one 23, and the other 16 years of age, and one other 7 years of age. The females are 14, 10, and 5 years of age. At the time of the greatest excitement in Rhode Island, (in June, 1842,) there were but three of my children at my own house, although five were in the city of Providence.

7. Question by the committee. Are you now, and were you during the continuance of the attempts of the people of Rhode Island to establish a free constitution, an owner of houses and other real estate, bank stock and other personal property, in the city of Providence?

Answer. I am now, and was during all the time the people of Rhode Island were attempting to establish a free constitution, (I mean in 1840, '41, '42, and since, and for years before,) the owner of dwelling houses and other real estate in the city of Providence. I was then, and I am now, the owner of stock in several of the banks in the city of Providence; and had then (in June, July, &c., in 1842,) other personal property in bank in the city of Providence.

8. Question by the committee. Were your houses insured at the time referred to in the last question?

Answer. They were not insured; nor were they incumbered in any way.

9. Question by the committee. Do you know of any plot or design formed at any time, by the friends of the people's constitution, in or out of the State of Rhode Island, to plunder the banks and other property in the city of Providence, and to subject the women of that city to brutal violence?

Answer. I do not know of any such design, either entertained, expressed, or thought of, by any friend of the people's constitution, in or out of the State; nor do I believe that any such design or *desire* was ever entertained by any of the friends of said cause, either in or out of the State. And although the friends of that cause have been, as I believe, falsely and maliciously charged, both in Rhode Island and on the floor of the House of Representatives of the United States, with such a design, yet there never has been, to my knowledge, nor do I believe there ever can be, a particle of proof adduced to found such a charge upon.

The people of that State, in their desire to *reform* their government, by the adoption of a written constitution, never entertained a design or wish to destroy or to change property, either by force or by legislation. They were neither plunderers nor agrarians. They demanded, through the *ballot-box*, their just political rights—the extension of suffrage, and the equalization of representation in their legislature, and nothing more: and whoever will read the constitution—called the people's constitution—will see at once that, by its provisions, not only are personal and political rights extended and secured to the people, but that private property is also abundantly guarded and protected. In this respect, I am confident that no constitution in the whole twenty six States of this Union excels it. It is true that, by the provisions of that constitution, *corporations* are not suffered to remain

in that *omnipotent* position that they had heretofore occupied in that State; and this is one great reason why the American doctrine of popular sovereignty was so repudiated and condemned in that State by the charter party.

10. Question by the committee. Do you know of such a plot or design being entertained by any person, or number of persons, at any time, in or out of the State of Rhode Island? And were you in a situation which would have enabled you to obtain the knowledge of such a plot or design, if any had been formed?

Answer. I do not know, nor do I believe, from anything I heard said, or from any act then done by any person or persons belonging to, or friendly to the people's cause, either in or out of the State of Rhode Island, that such a plot or design, or any other plot or design which would destroy private property, and commit brutal violence upon females, was ever entertained by any one or more persons friendly to that cause. I never heard such a matter proposed, talked of, or even intimated, by any one. And I do verily believe that, if such a design had been entertained anywhere, I must have heard of it; for I think I may say that I was personally known to as many of the friends of that cause, and was consulted by as many of them, and as often, in 1842, in regard to the proceedings had or designed, as any other man in Rhode Island. Indeed, I do verily believe that, from the Governor to the humblest individual engaged in that cause in that State, I had as good, and perhaps a better opportunity to know what was going on in our party, than any other person in the State; and I am confident as I can be, on any question which consequently requires a negative answer, to say that no such design or plot was ever intended or manifested.

11. Question by the committee. What were the preliminary measures taken by the people of Rhode Island to bring about reform of the political evils complained of?

Answer. In the year 1840, some gentlemen in the city of Providence, without regard to the party considerations of the day, met together to consult what could be done to reform the political evils then existing in the State. This soon produced the formation of "the Rhode Island Suffrage Association," and the establishment of a newspaper called the "NEW AGE;" the object was to promote a reform, and to spread such information among the people as would lead to the establishment of a written republican constitution, which should extend the right of suffrage, and equalize representation in the General Assembly. Soon after the formation of this association, they published a declaration of its principles as follows:

*"A declaration of principles of the Rhode Island Suffrage Association.*

"Believing that all men are created free and equal, and that the possession of property should create no political advantages for its holder; and believing that all bodies politic should have for their foundation a bill of rights and a written constitution, wherein the rights of the people should be defined, and the duties of the people's servants strictly pointed out and limited; and believing that the State of Rhode Island is possessed of neither of those instruments, and that the charter under which she has her political existence is not only aristocratic in its tendency, but that it lost all its authority when the independence of the United States was declared; and furthermore, believing that every State in the federal compact is entitled, by the terms of that compact, to a republican form of government, and that any

form of government is anti-republican and aristocratic which precludes a majority of the people from participating in its affairs, and that by every right, human and divine, the majority in the State should govern; and furthermore, and finally believing that the time has gone by when we are called upon to submit to the most unjust outrages upon our political and social rights: Therefore,

*“Resolved,* That the power of the State should be vested in the hands of the people; and that the people have a right, from time to time, to assemble together, either by themselves or their representatives, for the establishment of a republican form of government.

*“Resolved,* That whenever a majority of the citizens of this State, who are recognised as citizens of the United States, shall, by their delegates in convention assembled, draught a constitution, and the same shall be accepted by their constituents, it will then be, to all intents and purposes, the law of the State.”

Similar associations were very soon established in nearly every town in the State, and lectures and public discussions soon made the question of constitutional reform one of all-absorbing interest at that period.

I have examined the answer of Mr. Sayles, given to a similar question propounded by the committee; and, so far as my knowledge extends, his answer details correctly the proceedings of the people in their numerous mass conventions and primary meetings, prior to the meeting of the convention on the first Monday in October, 1841. Indeed, from the knowledge I have of what took place at that time, I believe the people of that State thoroughly understood the political evils that existed in the State, and had coolly determined in their judgment to make reform, by adopting a written republican constitution.

12. Question by the committee. Did this reform commence in Rhode Island at the instigation of either of the great political parties which divide the people of that State and the country, so far as your knowledge extends? and when did this question assume a party character, and from what cause?

Answer. So far as my knowledge extends, its commencement had no party cast whatever. Men of both political parties united for reform; but as the whig party was then in power in that State, its organ *very naturally* exhibited signs of extreme jealousy, for fear the party would lose its ascendancy; though, until the adoption of the people's constitution, the organ of that party admitted communications favoring the people's cause, from its friends. At the first nominating convention held after the adoption of the people's constitution, the Executive was publicly tendered to a whig, in the person of the Hon. Wager Weeden of South Kingstown, one of the electors of that State who voted for General Harrison in 1840; but the charter assembly having subsequently passed an act entitled “An act to punish offences against the sovereign power of the State,” commonly called the “Algerine act,” Judge Weeden declined the nomination; being a gentleman somewhat venerable in years, he was not inclined to undergo the turmoil which would be likely to follow such a position. Afterwards, the State committee, who were empowered by the nominating convention, nominated Thomas W. Dorr for governor; and he was elected, and entered upon the duties of the Executive of the State, for which position he is now immured in prison, awaiting trial for TREASON.

After it became known how heavy the vote was for the adoption of the



people's constitution, by the official count and declaration of the convention sitting in Providence, at the same time the charter legislature was in session also at Providence, and when the constitution and the proceedings of the convention were submitted to the legislature through the Governor, then the government of the State (which was whig) denied the American doctrine of the *inherent ultimate* right of the people of a State to *alter* or *reform* their government, without the consent of a *majority* of those whom a *minority* of the people had constituted their legislative servants; and as this question became extended through the Union, the two great parties became *interested* for the one or the other side, according to the estimation in which they respectively regarded the right of the people, and the primitive principles of the foundation of this government—one party contending that sovereignty, or the ultimate power of the people to “alter, reform, or amend” their government at any time, without the assent of any legislative proceedings or authority, is the true foundation of republican democracy, and was the basis upon which the people of this country *created* their existence as a nation. One party contends that the legislature and its exercised authority is but the *organ* or the *agent* of the government, having no power to institute it, nor to make any forms for its institution; but that the people, and they *alone*, for their own *safety and happiness*, have the sole right to *institute* and *form* governments. The other party contended then, and still contend, not that the sovereignty or ultimate power now resides in the KING and PARLIAMENT, but that it resides in the political organization of the State—in the executive, legislative, and judicial organs of government; and that these government organs have become possessed of sovereignty, probably as the *heirs-at-law* of the *King and Parliament* of Great Britain, who, all agree, died in 1776.

This is the English doctrine—essentially the doctrine of the divine right of kings; and it is only varied in this country by *circumstances, names, and titles*, so as to become the tenant of American instead of English minds. When this question became a national question, by the interference of the Executive arm of the United States, then the development of these antagonist principles of the two political parties of the country became manifest in their public sympathies frequently expressed on the *Rhode Island difficulties*. This answer necessarily embraces matters of history and opinion.

13. Question by the committee. Was there any design, to your knowledge, in Rhode Island, by the friends of the people's constitution, to connect their cause with the abolition of slavery?

Answer. So far as my knowledge extends, I know of no such design or purpose; nor do I believe there ever was any such purpose intended by the movers of the reform, or by any body of men respectable in point of numbers. I have never attended an abolition convention, meeting, or lecture; therefore, my answer to this question will be given from the doings of the convention, and from proceedings as they are found in newspapers, &c.

In the convention, which consisted of about one hundred members elected, a proposition was made to strike out the word “*white*” from the second article, (on the right of suffrage,) which had been reported by the committee. After some debate this was voted down, only eighteen voting in the affirmative, on a call of the convention, as the roll now in my possession will show.

After the committee had reported the second article, “*of electors and the*

*right of suffrage*," with the word "*white*" as one of the qualifications for an elector, and before the vote above referred to on said article was had in convention, a committee of the blacks sent a remonstrance to the convention, in the following words, viz:

*"To the Free Suffrage Convention.*

"GENTLEMEN: The remonstrance of the undersigned colored citizens of Rhode Island, respectfully represent, that, in the constitution that is proposed to be sent forth by your respected body for adoption, there is one measure inserted, upon which we, as an interested party, beg leave, with deference, to make known our views, and give an expression of our sentiments. We have reference to that proposed article which, in inserting the word "*white*," denies all persons of color the use and exercise of the elective franchise.

"Against the sacrifice of an ill-used and unoffending people, we desire to enter our most solemn and earnest protest. We are unwilling that this sore, grievous, and unwarrantable infliction should be made upon our already bruised hearts, without lifting up our voice in clear, strong, and decided remonstrance.

"The article to which we refer, disfranchises that portion of the community generally entitled "*colored*." The reason of this proscription is seen in the terms employed—it is the existence of the fact *color*. We regard the proscription as unwarrantable, anti-republican, and in tendency destructive; and, as such, we protest against it.

"We protest against it as *unwarrantable*. We affirm that there is nought in the character or condition of the colored people of this State, as a class, which can justify this procedure. We are mostly native born citizens. We have lent our best strength in the cultivation of the soil, have aided in the development of its resources, and have contributed our part to its wealth and importance.

"We have long, and with but little aid, been working our way up to respectability and competence. It is evident to open eyes, that, repulsed and disfranchised as we have been, we have, nevertheless, been enabled to possess ourselves of the means and advantages of religion, intelligence, and property. Debarred as we have been of the advantages of learning, and denied participation in civil prerogatives, we unhesitatingly assert that we will not suffer by a comparison with our more privileged fellow-citizens of the same rank, in either religion, virtue, or industry.

"Is a justification of our disfranchisement sought in our want of christian character? We point to our churches as our reputation. In our want of intelligence? We refer not merely to the schools supported by the State, for our advantage; but to the private schools, well filled and sustained, and taught by competent teachers of our own people. Is our industry questioned? This day, were there no complexional hindrance, we could present a more than proportionate number of our people, who might immediately, according to the freeholders' qualification, become voters.

"But all these considerations may not be sufficient, and the justice of our being proscribed may be found in the insuperable objection of our color. Against this, then, we enter our earnest remonstrance. We protest against it as *anti-republican*. We know of no authoritative standard, where the right of man to participate in the privileges of government is predicated of their per-

sonal appearance or bodily peculiarities. We know of no system of political ethics in which rights are based upon the complexion of the skin. We can find no nation that has the temerity to insult the common sense of mankind by promulgating such a sentiment as a part of its political creed. We are confident that no such explanation of American republicanism was ever made by the "father of his country," or by those able minds who are justly regarded as the best explainers of the nature and purposes of the Government—the writers of the "Federalist."

"Nay, we appeal to that great written charter of American liberty—the declaration of independence—in support of our protestation. We believe that 'all men are created free and equal;' and we affirm, that no tinge of the skin can possibly invalidate that cardinal doctrine of our country's liberty, or make nugatory or partial the political privileges which, as deductions, may proceed from it.

"We claim, then, that to deprive the colored people of this State of the immunities of citizenship, on account of the color of the skin, (a matter over which they have no control,) is anti-republican; and against such a procedure we enter our solemn protest. As a harm and injury, as destructive in tendency, do we regard this measure; and do therefore remonstrate against it.

"If the nature of man opens the way for, and requires civil government and its various functions, as a means of good and blessing to him, and as an aid in the full development of his powers, how can it be otherwise than that the powers capacitated to civil duty, being diverted from their natural channel, should turn upon himself in hurtful inactivity, or active evil? And surely the State is to blame, and not the people, when invidious disfranchisement causes moral and civil degradation; and when the sympathies and sentiments capacitated to political duty are perverted and smothered. And herein lies the destructive tendency of this measure. For what can be expected of a people when they are told—when their children are taught that they are regarded as so far beyond the pale of common human nature, that they need not expect the rights which are readily granted to others?—and this, for the commission of no crime, but on account of an arrangement of the Divine mind. Can active intellects, and healthful hearts, and souls aspiring after goodness, truth, and honesty, be reasonably looked for? Deprive a man of the use of any of his powers, and his whole system suffers; he suffers in all his relations; injury is done him in all the departments of activity.

"The possession of the elective franchise is ever a stimulant to enterprise, a means of influence, and a source of respect. And will you help deprive us of this benefit? The want of it is the cause of carelessness, intellectual inertness, and indolence. And will you aid in thus injuring us? Is it not destructive of humanity to frame such laws, whose tendency is to quench honorable ambition, to beget a sense of inferiority, to lessen the consciousness of individual worth and manly character? Surely, it must sicken the soul, and eat out the heart of any people.

"We have thus briefly expressed our sentiments in opposition to the proposition that would give the name and influence of this convention, and that portion of the citizens of the State whom your body represents, to disfranchise the colored people.

"We have heard with surprise the expression of sentiments upon this matter, foreign to American soil and republican principles and institutions—



sentiments which, if carried out, would affect not only our rights, but the rights of all. For it is no declamatory query that we put, when we ask you, gentlemen, what safeguard have you for your liberties, and the liberties of your children, if you are willing to pollute the pure and eternal principles of human liberty by a base admixture of the adventitious circumstance of human complexion? What security have you against some unexpected distinction which may at some future time arise, and, taking precedent in our proscription, sweep away your dearest rights, and most highly cherished prerogatives, as unconcernedly as you would ours? And it is the warrant of history when we say, that thus striking off from us the dearest boon—the precious birthright of freemen—that yet, in the course of God's providence, the poisoned chalice may be returned to the lips of those who departed from their principles, and retributive justice place them under severe restrictions and endurable chains.

“Whether this may be so or not, political experience, the annals of nations, clearly teach that there is always danger in departing from clearly defined and universal truths, and resorting to unjustifiable and invidious partialities. We trust that your respected body, in the influence you can exert, will not do this. By all humane feeling, by all regard for principle, we entreat, do not this great wrong to us.

“We have thus protested against this article, and given our reason for so doing; and if, in making known our views, we may appear unusually earnest, we trust to the candor and enlightenment of your respected body in presenting earnestness of feeling as an extenuation of strength of sentiment and expression.

“ICHABOD NORTHUP,	} “Committee in behalf of the people of color.”
“SAMUEL RODMAN,	
“JAMES HAZARD,	
“GEORGE J. SMITH,	
“RANSOM PARKER,	

When the convention met by adjournment to complete the constitution in November, the following communication was made to them, in behalf of the “Rhode Island Anti-Slavery Society,” viz:

“PROVIDENCE, November 16, 1841.

“*To the Suffrage Convention:*

“At a late meeting of the Rhode Island Anti-Slavery Society, the following resolution was passed, viz:

“*Resolved*, That a committee be appointed to go before the suffrage convention to convene in this city next week, and protest, in the name of the abolitionists of this State, against the insertion of the word ‘white’ in their new constitution.

“We therefore petition your body that we may, either personally or by counsel, be heard in the premises.

“On behalf of the committee:

“ABRM. WILKINSON.”

This communication was laid on the table by the convention. Subsequently, the convention voted to hear any *citizen of the State* address them on the propriety of striking out the word “white.” This was done, but no change was wrought in the constitution.

During the canvass before the people of the State, on the question of the adoption of this constitution, nearly the whole of the lectures and speeches made in opposition to its adoption were made by the abolition society, or its members and lecturers—at least it was so published at the time in the public papers, and has never, to my knowledge, been denied. I will here subjoin, from an abolition paper printed at the time in Providence, some extracts, to show where that party stood:

“ANNUAL MEETING.

“The sixth annual meeting of the Rhode Island Anti Slavery Society was held in this city, in the Franklin Hall, on the 11th, 12th, and 13th of November. It far surpassed in interest, spirit, and numbers, all of its predecessors. Never before did this State witness such a gathering of free, independent, and self-sacrificing spirits. The farmer and the mechanic, the merchant and the broker, the manufacturer and the operative, the clerk and the teacher, the lawyer and the printer, the priest and the politician, the old and the young, the rich and the poor, male and female, white and colored, bond and freed, of all sects and all parties: all these came up from the extreme parts of the State, and co-operated ‘*in glorious unity*’ for the advancement of our noble enterprise. It was good to be there. The truth elicited, and impression made, can never be effaced.

“The recent base, cowardly, and hypocritical attempt of the suffrage party to graduate the rights of man by the complexion of the skin, called out, previous to the meeting, a spirited and stirring appeal from the executive committee to the abolitionists of the State, to send up large delegations to devise ways and means, and mature plans, to meet the approaching crisis. That appeal was nobly responded to. It was a glorious opportunity for the abolitionists to demonstrate the sincerity of their professions. This prompt movement of theirs, if followed up, will cause the friends of the slave in this State to be respected. The spirit of Roger Williams was with them. Had the old reformer himself been present, he would not have been ashamed of his descendants.

“The unity of sentiments which prevailed, and the deep and strong feelings which existed during the sessions of this meeting, called to mind those delightful gatherings of former days, when the opposition without, and the burning love of freedom within, caused the hearts of all,

‘Like kindred drops, to mingle into one.’

“Rogers, Foster, and Pillsbury, of New Hampshire, were present. Garrison, Abby Kelly, Jackson, Collins, Foster, Cole, and Sanderson of Massachusetts, were there also. And last, but not least, Frederick Douglass, a fugitive from American oppression, was among the number of strangers from abroad. All these added not a little to the great interest of the meetings.

“After the various committees had been appointed, George L. Clarke, corresponding secretary, read a short but clear and forcible report. A most spirited and eloquent discussion was elicited, when a motion was made to adopt this report. Our ecclesiastical relations with the murderous system of slavery was fully brought to light, and the influence of the northern church in upholding American slavery was, we are confident, made apparent to every one present.

“The first evening the hall was crowded to a press, and almost the entire

evening occupied by five colored speakers. We regret that some one was not present to report their speeches, which would have done credit both to the head and heart of the same number of white speakers. We wish the hall had been ten times as large, and all our 'negro haters' could have heard them. They would have learned, if they did not know it before, that 'the colored man,' as *Douglass* beautifully expressed it, 'had a head to think, a heart to feel, and a soul to aspire to, like other men.' Many left the hall that night ashamed of their treatment towards this oppressed class.

"The second day the question of suffrage came up; and as the abolitionists go for free discussion, all persons friendly or unfriendly to our cause were, at the commencement of the first session, invited to participate in the discussions. Dr. Brown, and others favorable to the constitution as it now is, attempted to justify their selfish policy. This was a golden opportunity to show up the wickedness of the course pursued by the suffrage party. Garrison, Rogers, and others, improved it, and so cut up and mangled the arguments of Dr. Brown and his colleagues, that from our souls we pitied them. They attempted to mend the matter by explanations and apologies, but these only called out more terrible rejoinders from their herculean opponents.

"Resolutions condemning the new constitution were unanimously adopted, and the executive committee were recommended to call a series of conventions, and to take the most prompt and efficient measures to defeat the adoption of this instrument, and pledged to sustain the committee in carrying this resolution into effect.

"We can spare room for only one more extract from that paper, at this time, as follows:

"In relation to our opposition to the people's constitution with the word 'white' out, we will insert a resolution unanimously passed by the great anti-slavery convention, held in this city the 12th of last month, and is the sentiment of abolitionists of Rhode Island:

"*Resolved*, That whenever the people of this State shall be presented with a constitution which shall be really based on the truth, 'that all men are created free and equal,' the *principles which we profess* give the surest guaranty that abolitionists will not oppose, but hail it with delight.

"After this *exposé*, we hope to hear no more about the connexion between the suffrage party and abolition."

I will here add the proceedings of a meeting held in a village in the town of Scituate, during that canvass, as published at the time in the *New Age*, the organ of the suffrage party:

"Mr. EDITOR: You are probably aware that a convention was called by the anti-slavery meeting in this village on the 7th and 8th instant. The time came, the sun rose, and the sound of the spindle was heard as usual; but the disorganizers were until afternoon *minus* of a place to hold their meeting. Finally, by agreeing that nothing should be discussed but the subject of slavery, they were permitted to assemble in the Baptist meeting-house.

"*Afternoon session*—Present: F. Douglass, a colored man, Abby Kelly, S. S. Foster, Abel Tanner, and some other speakers, and a few hearers. Nothing of importance occurred during the session, which adjourned to meet in the same place in the evening.

"*Evening session*.—Mr. Foster offered the following resolution:



"*Resolved*, That the white suffrage constitution, now offered to the people of this State for their adoption, is more odious and hateful to the true principles of liberty than the old charter, and cannot receive the support of any true republican or christian.

"Mr. Foster advocated the adoption of the resolution. He said that every man who voted for the constitution denied that man has natural rights.

"He said that the rights of the people were safer as they now are, in the hands of the minority, than they would be in the hands of those admitted under the constitution; and that every man who voted for the constitution naturally said to the slaveholder, 'Go on and enslave, and murder the soul and body of the negro, and we will stand up in your defence'

"He referred to the *New Age*, and said that in that sheet they were taunted as interlopers from other States.

"He said that Congress would never sanction the constitution, because it was not a republican constitution, and never could be, so long as it did not include the whole human family.

"He said that, under the landholders' constitution, the blacks could obtain the right of voting, if industrious, &c., &c., &c., of a like nature.

"F. Douglass, a runaway slave, next took the stand. He is a man of some natural talent, and I could wish that he was in better company. He evidently labored hard to say what his instructors had told him. He followed nearly in the same train of argument as those who had preceded him, and declared that he was bound by the laws of God to oppose any constitution that would be in accordance with the constitution, if I understood him.

"On his taking his seat, a stranger arose and replied to their reasonings in an able manner. He also referred to the principles advocated by the same gentlemen in Providence. He was followed by Mr. Allen, of this village, who said that he had been libelled by the speakers, and that he would not sit quietly for persons from other States to judge of his and his associates' motives.

"At this stage of the discussion, one of the committee of the house stated that the house was not engaged for such discussion; but Mr. Foster again got the floor, and declared that he had the floor—he would stand, in or out of order, unless the convention decided that they would not hear him.

"He commenced speaking; but the house was becoming in confusion, so that no one could be heard, and one of the committee who had charge of the house declared that the meeting was dissolved, and that no further discussion would be held in that house. The fascinating Abby Kelly entered the pulpit, and begged that they might have leave to adjourn in order; but the committee were determined, and would not even let her have a hearing. Thus has ended the convention which was intended to enlighten the people of Scituate.

"A suffrage meeting was immediately called at the hall of the Temperance Hotel, which was crowded to overflowing, and addressed by several gentlemen with much spirit and propriety, until near 11 o'clock, when the meeting was dismissed with three cheers for the success thus far of the PEOPLE'S RIGHTS."

I will also refer to the ballots given against the adoption of that constitution in the towns of Little Compton, South Kingstown, and other towns. The ballots used in those towns are expressive upon this matter.

Hence I am confident that there was no ground to charge the friends of the people's constitution with any purpose or design to aid abolition, nor that

the reform sought for in adopting a constitution was "*an abolition movement.*"

The people engaged in the cause of political reform in that State understood, and continue to understand, something about the different *races* of mankind. They then well understood, and they now understand, what is the *political meaning in civil government in this country of the word PEOPLE*. They have never contended, and they never will contend, that it means or signifies ALIENS, INDIANS, or SLAVES.

14. Question by the committee. Have you any other documents or papers in your possession, not referred to in your answers, that you deem of importance to the investigation of this matter? If you have, please annex them to your testimony.

Answer. I have many documents and papers that may be important in investigating this matter.

Annexed (marked C) is the copy of a petition to the General Assembly of Rhode Island, and of an act that passed the Senate in February, 1811, to extend suffrage. The same gentleman that was the Governor of Rhode Island then, is now the Governor. The Governor then was, and now is, the presiding officer of the Senate.

Annexed (marked D) is the copy of a constitution proposed to the *freeholders* of that State in 1824, and rejected. This constitution did not extend suffrage, nor did it equalize representation.

Also, (marked E,) is an address to the people of Rhode Island from the constitutional convention of 1834. It gives, I believe, a true history of the legislation of that State upon suffrage under the charter.

Also, (marked F,) is a copy of what is called the landholders' constitution, which was rejected in March, 1842. The convention which framed this constitution was *authorized* by the General Assembly, upon the petition of the town (or of the citizens of the town) of Smithfield, asking for an *increase of representation* in that town. The petition did not, I believe, ask for any extension of the right of suffrage. The resolutions of the Assembly, calling the convention, *authorized* the convention to frame a constitution, *either in whole or in part*, to be submitted to the *freemen*. And although, at the same session, one or more petitions were presented to extend suffrage, yet no allusions were made to them by the committee; and the design of the charter government evidently was to form *part* of a constitution, and in it to make the representation more equal; for the town of Smithfield was the second town in the State in point of population, and it was important undoubtedly to the *ruling party* in the State *not to offend the party sensibilities* of its inhabitants.

Also, (marked G,) is a copy of the constitution which the *de facto* government of the State claims now to act under. It is remarkable for nothing except for the liability, if not for the certainty, of being misunderstood and misconstrued; especially in the *second article*, on the qualification of electors. I also refer to ARTICLE FOURTH, *on the legislative power*, and particularly to the first, tenth, and eighteenth sections of said article.

To make the oppressions of the charter government more intolerable to the people, and to reign in *perfect* dominion, they, in 1842, construed the charter to grant power to the General Assembly to declare martial law, or, as the charter says, "*the law martial.*" This is clearly a mistaken stretch of power; for when the charter speaks of the *law martial*, it evidently means to confer the power upon the officers in the field, or in command, in a state

of war ; not legislative bodies nor persons—for the terms “ *commanders, governors, and military officers*” appointed, &c., indicate that that power is to be used for the *special defence and safety of the inhabitants* ; and they, and not the Legislature, are authorized to “ *use and exercise the law martial,*” &c.

It would seem, then, and it is believed that the *tenth* section expressly meant to give to the General Assembly the power to put the State under martial law whenever they choose, although the *fourth* section seems to put the military under the civil authority.

Again: the first act of the General Assembly authorizing this convention, required that a MAJORITY of all those qualified to vote under said constitution to be framed, *should be necessary for its adoption* ; but subsequently, after the convention had had one session, and adjourned to meet again, the General Assembly, under a pretext of construing the first act, passed a second one, *only requiring that a majority* of those who voted upon the question of its adoption should be necessary to adopt it. This is another strong evidence that the charter party then knew, or was well satisfied, that a majority of the people were not with them. This indicates, also, (rather strongly too,) that then, at least, they believed and relied very much in the power and efficacy of *majorities* in establishing and changing governments.

Also, (marked H,) is a copy of the proceedings of the convention of the State of Rhode Island, holden at Newport in May, 1790, which ratified the constitution of the United States. This, I apprehend, is an *authentic act* of the *legal* people of the State.

✎ I would here call the attention of the committee to an act, or bill, which I believe passed one or the other House of Congress just prior to that time, by which Rhode Island was to be treated as a *foreign State*.

Also, (marked I.) is a copy of the report of a committee of the charter Legislature, after the defeat of the landholders' constitution. The committee consisted entirely of the charter party, and therefore does not give the *whole* cause which defeated that instrument. They have only put so much into the report as would serve as an apology before the world for the law passed at that session, called “An act in relation to offences against the sovereign power of the State.”

Marked K are certain resolutions, declaring the object the democratic party had in taking part in the election of 1843, under the present constitution. The people, in 1843, protested against the present constitution of the State, upon the ground that it was a usurpation ; that it was proposed simultaneously with martial law, and that the delegates to the convention were elected under martial law ; and, in fine, that it was established, and the government under it, by intimidation, proscription, tyranny, and cruelty. With these views, amid the grinding powers of a moneyed aristocracy, the people (most of them) consented, under their solemn protest, to register their names, in hopes, by their exertions, to yet establish that government, in a peaceable manner, that had been, as they believed, prostrated by the strong arm of the executive power of the United States.



The following table is the vote cast in that State, at different times, up in this constitution-making question :

Towns.	For the Algerine constitution, November, 1842	For Landholders' constitution, March, 1842.	Against Landholders' constitution, March, 1842.	For the People's constitution, adopted Dec., 1841.
Providence (city) - -	1,606	1,406	2,129	3,556
North Providence - -	187	150	430	683
Smithfield - - -	374	334	997	1,338
Cumberland - - -	226	210	638	892
Johnston - - -	156	148	231	347
Cranston - - -	101	156	283	404
Scituate - - -	251	280	371	524
Foster - - -	265	251	133	238
Burrillville - - -	96	52	326	283
Glocester - - -	83	59	387	402
Newport - - -	694	730	361	1,202
Portsmouth - - -	192	204	97	126
New Shoreham - - -	48	94	34	132
Jamestown - - -	25	46	11	31
Middletown - - -	100	152	6	30
Tiverton - - -	214	371	86	274
Little Compton - - -	85	202	6	43
Westerly - - -	124	182	153	251
North Kingstown - - -	179	210	265	253
South Kingstown - - -	237	450	188	275
Charlestown - - -	56	86	40	100
Exeter - - -	131	258	32	134
Richmond - - -	75	167	69	132
Hopkinton - - -	106	159	163	162
Warwick - - -	285	382	595	900
East Greenwich - - -	144	146	97	135
West Greenwich - - -	53	179	44	62
Coventry - - -	255	266	279	406
Bristol - - -	341	358	149	366
Warren - - -	281	263	65	210
Barrington - - -	51	62	24	52
	7,024	8,013	8,689	13,944

Votes against the Algerine constitution, 51.

The following table of population, freemen, estimate, &c., was prepared by me from the same source of information as the one prepared by me at the request of the Hon. Elisha R. Potter, for the use of the landholders' convention.

The copy of the one prepared for that convention, is contained in the documents in the case of *Martin Luther vs. Luther M. Borden* and others.

The remarks appended to this estimate are mine, and are believed now to be true.

*Table of population, freeholders, &c.*

Towns.			Population in 1840.	Free white males over 21.	Votes for electors, November, 1840.	Estimate of freemen in the several towns.
Providence (city)	-	-	23,172	5,579	1,440	1,610
North Providence	-	-	4,207	938	212	270
Smithfield	-	-	9,534	2,049	578	660
Cumberland	-	-	5,224	1,195	364	405
Scituate	-	-	4,090	966	368	395
Cranston	-	-	2,902	647	255	265
Johnston	-	-	2,477	609	201	225
Glocester	-	-	2,308	591	272	295
Foster	-	-	2,181	554	272	290
Burrillville	-	-	1,982	533	253	280
			58,077	13,761	4,215	4,695
Newport	-	-	8,333	1,970	560	630
Portsmouth	-	-	1,706	447	176	185
Middletown	-	-	891	220	80	95
Tiverton	-	-	3,183	787	255	290
Little Compton	-	-	1,327	315	139	150
New Shoreham	-	-	1,069	244	103	135
Jamestown	-	-	365	99	37	58
			16,874	4,082	1,350	1,535
South Kingstown	-	-	3,718	800	394	415
Westerly	-	-	1,912	423	173	195
North Kingstown	-	-	2,909	686	244	265
Exeter	-	-	1,776	426	156	210
Charlestown	-	-	923	197	108	135
Hopkinton	-	-	1,726	376	193	205
Richmond	-	-	1,361	298	135	155
			14,325	3,206	1,403	1,580

TABLE—Continued.

Towns.				Population in 1840.	Free white males over 21.	Votes for electors, November, 1840.	Estimate of freemen in the several towns.
Warwick	-	-	-	6,726	1,387	394	430
Coventry	-	-	-	3,433	795	357	370
East Greenwich	-	-	-	1,509	373	156	165
West Greenwich	-	-	-	1,416	362	134	165
				13,084	2,917	1,041	1,130
Bristol	-	-	-	3,490	794	306	320
Warren	-	-	-	2,438	800	235	250
Barrington	-	-	-	549	124	71	80
				6,477	1,708	612	650
				108,837	25,674	8,622	9,590

We believe the above table, exhibiting the population of the State, the number of male adults over 21 years old, the vote cast on the election of President Harrison, and the estimate of the freemen of each town and city, is as near correct as can be made without a thorough investigation. We are so sure of its general correctness, that we challenge the "Journal" to point out—not by assertion, but by facts—any errors. Some towns may be over-estimated, and some may be under in the estimate; but one thing is certain—that is, that there never were more than 9,600 qualified votes in the State. Great pains have been taken to collect correct information in this respect; and we feel satisfied that, if we err any way, it is in over-estimating the number. On the presidential election in 1840, there was a great vote cast, viz: 8,622. This was, by hundreds, the greatest vote ever cast in the State, either before or since; and when we know the exertions which were made by the successful party to be the *banner* State—how they supplicated their opponents not to be strenuous in investigating the qualifications of those who voted on that account—and especially when it was well known by the democratic party that no efforts of theirs could be successful in the State—it is not too much to assert, that we believe there were nearly as many votes then given in, as there were honest qualified freemen in the State.

Those who are unacquainted with our State may wonder that some towns should have a larger per centage of its population freemen than others. This fact is well understood here. In the populous or manufacturing towns, their qualified freemen are less in proportion to population than in those towns or sections where the agricultural interest predominates. For instance: in Providence, with a population of 23,172, its num-



ber of freemen is but about 1,600, or about 7 per cent.; while in the agricultural towns it is 10 per cent.

If the city of Providence contains a fair proportion of freemen according to its population with the whole State, there would be but about 8,000 in the State; but this is not so. In the manufacturing towns, but 7 or 8 per cent. of this population have a right to vote; whereas, in the agricultural towns, 10 per cent. enjoy that right.

In the State there are 25,674 white male adult citizens over 21 years of age; from this number must be deducted, as aliens, non-compos, insane, under guardianship, and criminals, as many as 3,000, which will leave 22,674; a majority of which is 11,338. The people's constitution received 13,944—leaving, of the 22,674, 8,730 to be counted as against it.

I refer the committee to the several laws and resolutions passed and enacted by the charter and existing government of Rhode Island, from January, 1841, to the present time. They, I think, will show a government predisposed to a military despotism—an overbearing aristocracy—a fixed purpose to curtail personal independence and the free exercise of the elective franchise.

At the request of the committee, I annex an irregular copy of the case *Martin Luther vs. Luther M. Borden and others*, now pending in the Supreme Court of the United States. It is not arranged in the form that it came up from the court below, but it is believed to be all here—except, perhaps, a copy of the rules of the people's House of Representatives. There may also be some dérangement in the order in which it is presented here, and especially in the defendants' pleas; but the whole material parts of the case are in this copy. The offerings and exhibits are complete, which is most material to show the judicial history of this question.

The exhibits in this case are all lettered. I shall only refer to such ones as are not more particularly set forth before in my answers.

B—Report made to the House of Representatives of Rhode Island upon the right of suffrage, in June, 1829. The attention of the committee is particularly called to this document.

F—Contains the resolutions passed at a mass meeting of the people held at Newport, May 5th, 1841.

G—Contains the resolutions and proceedings of a mass meeting of the people held at Providence on Monday, July 5th, 1841.

J a—Is a copy of the call made by the State committee upon the people to elect delegates to meet in convention at Providence in October, 1841, to form a written constitution.

J b—Is an address of the State committee to the people upon the object of the convention, and upon the necessity of reform.

O—Is a table of population, representation, estimates, number of votes and voters, &c., used by the landholders' convention.

P—Is a copy of a document of the Secretary of State of Rhode Island, certifying the number of votes polled in said State at the general election for ten years, beginning with the year 1832.

H a, H b, I a, I b, L a, L b—Are exhibits of the proceedings of the Legislature and House of Representatives of that State upon the subject of constitutions and suffrage since 1841. They are copies from the certified copies now on file in this cause in the clerk's office of the Supreme Court in Washington.

N *a*—Is a copy of the journal of the Senate under the people's constitution, kept by William H. Smith, Secretary of State.

N *b*—Is a copy of the journal of the House of Representatives under the people's constitution.

N *c*—Are copies of all the acts and resolutions passed by the Legislature under the same constitution.

Also, an agreement of the parties in said cause, made by their respective counsel, as to what should be done and what should be used on the trial thereof.

I have one or two facts to add, they having been omitted in my answers to the questions to which they properly apply.

In January, 1842, after the people's constitution had received a majority of the male adult votes of the State, Mr. Atwell, a member of the House of Representatives of that State, who was also a member of both conventions, (the people's and the landholders') offered a resolution in the House of Representatives, that the then government had been changed by the adoption of the people's constitution, and that said new government ought to go into operation at the time specified in the constitution. This was so violently opposed by the charter party, that subsequently Mr. Atwell moved a resolution, or motion, that a committee of the House should be appointed to investigate the fact whether a majority of the people had voted for the constitution or not. This was debated considerably; and it was then not denied by the charter party, but generally conceded, that a majority of the male adult citizens of the State did vote to adopt that constitution; but they denied that the people had a right to do so, unless done by a legislative *permission or request*. This last proposition was indefinitely postponed. This session, which was held in January, 1842, adjourned until March following, when they met to officially proclaim the result of the voting upon the question of the adoption of the landholders' constitution. When, by the report of a committee, it was found that that constitution had been rejected, Mr. Atwell, on his own responsibility, as another measure of peace and tranquillity to the State, proposed that the people's constitution should be submitted to the people again for adoption, under legislative sanction, and that none others should vote upon the question but such as had voted upon the landholders' constitution. This proposition was voted down by a great majority.

Again: after the people's constitution had been adopted by the people, and after it had been charged that it had been adopted by fraudulent or unfair voting, I made inquiry of the Hon. Elisha R. Potter, for my own satisfaction, whether the vote in the county of Washington, where he resided, was a fair one.

His reply to me was, substantially, this: "It was about as fair as elections usually are." "You know," he said, "that more or less bad votes will be cast at every election; but I think the votes given for this (the people's) constitution are about as fair as common." Afterwards, Mr. Potter repeated substantially the same opinion, to another gentleman in my presence. Hence I concluded then, that the votes in the county of Washington, given for the people's constitution, were correct; and I know of nothing now to change that opinion.

This testimony (much of it) is necessarily inferential and historical; but it is nevertheless believed by the undersigned to be strictly true, and that it will "*bear the test and scrutiny of time and truth.*"

*Questions submitted by Mr. Causin, of the committee.*

1. For what reasons, within your knowledge, did Mr. Holmes become, as alleged, the enemy and persecutor of your cause? and in what acts were the enmity and disposition of Mr. Holmes to persecute your cause, exhibited?

2. By whom was it "falsely and maliciously," as you believe, asserted on the floor of the House of Representatives, that "the friends of the people's constitution, in or out of the State of Rhode Island," were to plunder the banks and other property in the city of Providence, and to subject the women of that city to brutal violence?

3. Upon what facts, and in reference to whom, do you assert that because "corporations were not suffered to remain in that omnipotent position they had heretofore occupied in the State," was one great reason why "the American doctrine of popular sovereignty was so repudiated and condemned in that State by the charter party?"

4. What party, or member of a party, in Rhode Island, ever asserted that the "government organs" became possessed of sovereignty—probably, as the *heirs at law of the king and parliament* of Great Britain, who, all agree, died in 1776?"

5. What was the extent, in what manner exercised, and what the effect, of the asserted interference of the executive arm of the United States?

6. In prescribing the qualifications of voters for the adoption of the people's constitution, what were the requisites to entitle one to vote? particularly, were blacks permitted, by the terms of the proposition, to vote on the adoption of the constitution?

To the first explanatory question propounded by Mr. Causin, I answer: That I do not know the reasons which induced Mr. Holmes to become the opponent of the cause he had before that lent his aid to.

To the second question, I answer: That I still believe such charges were made; and I ground my belief from verbal information and from reports of speeches made upon this question. I do not desire to call any names; for it is to be hoped that such charges will, on reflection, be retracted. I also refer the committee to the report of the speech of the Hon. Henry Y. Cranston, in the National Intelligencer of the 9th of March last—particularly to the debate upon this subject—as another foundation for what I believe; from which I extract the following:

"In alluding to the declaration of martial law at the time of the disturbances in that State, he said it was that which had saved them from the swarms of ruffians from other States that had hung upon the borders of the State, ready at the signal of the nine guns, when they should have got possession of Providence, of its wealth, of twenty-two banks, and of that which constituted the greatest wealth of the city; (which he would not name.) to have rushed in upon them. Yes, when these 'patriots' should have got possession of the city, these armed ruffians—armed with pikes, of which he gave a description--and these vagabonds from out of their State, were to have rushed in upon them, and to have seized whatever might have been seized over the dead bodies of the citizens, if it could have been got in no other way. The State had been put under martial law, and that had saved them, under the providence of God, from entire desolation; and how many parts of this country besides Rhode Island had thereby been saved, which otherwise would have remained secure but a little longer, God only knew. If, in Rhode Island, selected as it had been to be the



great battle-field of American liberty, because it was a little State, that bloody flag had floated in triumph there, what would have become of New York, where could have been mustered at any moment fifty thousand such 'patriots,' armed with pikes and other weapons? Mr. C. could not trust himself to talk upon this subject. He felt too much, and he felt because he had been a witness—a witness of the whole scene, which would be among the last things which his memory would cease to retain."

To the third question, I answer: That I believe a united action upon the Legislature by the corporations, would carry any question, just or unjust, reasonable or unreasonable, oppressive or liberal. But had the people's constitution gone into operation, the 8th, 9th, 10th, and 11th sections of the 9th article would have secured the people in a measure. Therefore, from the fact that all the most powerful of these corporations were, and now are, opposed to this reform, and also from the fact that I have heard those provisions frequently condemned, I infer that this is one cause why the doctrine of popular sovereignty was by them repudiated and condemned.

To the fourth question, I answer: That I have heard it contended by the legislative, judicial, and *political* organizations in Rhode Island, that the sovereignty rested in the institutions of the State, and not in the people; and I believe other men, belonging to a distinctive party in this country—indeed, the great body of the party themselves—avow this doctrine. But that these institutions or organizations received it from the king and parliament at the declaration of American independence, is my own inference.

To the fifth question, I answer: As to the extent and the manner the executive arm of the United States interfered in this matter, I refer you to the documents transmitted to the House by the Executive, and to such names, for testimony, as have been furnished the committee, of particular acts done by the officers of the United States. The effect of this interference was to discourage and dishearten the people, and to encourage and sustain a minority government, odious in itself; and I verily believe that, if the Executive of the United States had not interfered with troops and threats, the people's constitution would have gone into operation in peace, and to the satisfaction of a great majority of the people of that State, and to the quiet of the country.

To the sixth question, I answer by referring the committee to the four first sections of the 14th article of the people's constitution, for the qualifications of the voters for the adoption of that constitution. By these provisions, I do not see that blacks were expressly prohibited; though I do not know, of my own personal knowledge, that one voted for it—but there may have been.

J. S. HARRIS.

WASHINGTON CITY, *April 24, 1844.*

Then the abovenamed John S. Harris made solemn oath that the foregoing testimony, by him subscribed, is, in his belief, true. Before me,

EDMUND BURKE,

*Chairman Select Committee on Rhode Island Memorial.*

APRIL 25, 1844.

## PAPERS ANNEXED TO THE TESTIMONY OF JOHN S. HARRIS.

## No. 2.—(I.)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, March session, 1842.**Report of the committee on the action of the General Assembly on the subject of the constitution.*

The committee to whom was referred the joint resolution, requiring them to report to this Assembly a statement of all the important facts connected with the formation and rejection of the constitution lately submitted to the people of this State for approval or rejection, and also to report their opinion whether any legislation on said subject is now necessary, and, if any, what,—beg leave to report:

That those who have set themselves in opposition to the government of this State have pretended that it was an aristocracy, and not republican in its form. On the contrary, your committee have no hesitation in asserting that this State, from its settlement, has possessed a democratic form of government.

The first charter obtained under the authority of the parliament of England in 1643-'44, and the last charter obtained in 1663, from Charles II, secured to the people of this State the right of self-government. Under that form of government, which has descended to us from the patriarchs of the colony, the people have enjoyed a degree of civil and religious freedom which has never been exceeded, and seldom equalled, in any other State.

This form of government has been found sufficient in peace and in war—in times when our people acknowledged allegiance to the crown of England, and since the declaration of independence. Under this form of government the people of this State became parties to the declaration of independence, to the union of the States under the confederation, and to the constitution of the United States, under which we have enjoyed so much prosperity and happiness.

The charter of 1663 having fixed the representation of the towns, without any reference to their subsequent population, the altered circumstances of the State have produced an inequality of representation from the towns in the House of Representatives, which has created some dissatisfaction in that portion of the State which has most increased in population. Within the last eighteen years three attempts have been made to form a constitution of government for this State, under the sanction of acts of this General Assembly.

These attempts have failed in two instances by the vote of the people—in 1824 and in 1842; and by the failure of the convention in 1834 to form a constitution.

This General Assembly has thus manifested a disposition to afford every facility to the people of this State, which was necessary to enable them to repeal or reform, or remodel, at their pleasure, their fundamental laws. The unequal representation of the towns has not therefore influenced this General Assembly, so as to prevent the action of the freemen at large on this subject. And as a further instance of the liberality of this General Assembly, in the last attempt that was made to form a constitution, the basis of representation in the convention was altered, by an act of the Assembly, so as to

render the people more equally represented in that body which was to form the constitution.

In the attempts to form a constitution in 1824 and 1834, but very few were desirous of changing the freehold qualification for the right of suffrage. In the convention of 1824, Mr. Pearce made a motion to extend the right of suffrage to persons who did not possess a freehold; which was almost unanimously rejected, three only voting in its favor. In 1834 a similar motion was made by Mr. Dorr, and but seven voted in its favor.

At the January session of the General Assembly, 1841, a memorial from the town of Smithfield was referred to a select committee of the House of Representatives, of which the Hon. Asher Robbins was chairman, who, in behalf of said committee, reported as follows:

"The select committee to whom was referred the memorial of the town of Smithfield, praying this General Assembly to 'take the subject of the extreme inequality of the present representation from the several towns under consideration, and, in such manner as seems most practicable and just, to correct the evil complained of,' have had the same under consideration; and the committee, believing that the regular and rightful way of obtaining the object prayed for, is by a convention of the freemen of the State, acting in their sovereign capacity on the subject, report the following resolution for adoption:

"*Resolved by the General Assembly, (the Senate concurring with the House of Representatives therein,) That it be recommended to the freemen of the State, at the several town meetings in April, to instruct their representatives as to their wishes for a State convention to frame a new constitution for this State, in whole or in part, with full power for that purpose.*"

After some remarks from several members, on motion of Mr. Robbins, on the 5th of February, 1841, this resolution was recommitted, to report in the morning, and the report was made the order of the day for the morrow. On the next day the memorial of the town of Smithfield was taken up, and the resolution as amended by the committee; and after considerable debate on the question, whether the freemen should be called upon first to instruct their representatives on the subject of calling a convention, or whether the General Assembly should pass a bill, as heretofore, immediately for calling a convention, the latter course was adopted. Resolutions were then passed by this General Assembly, requesting the freemen to choose, in August, delegates to attend a convention to be holden at Providence on the first Monday of November, A. D. 1841, to frame a new constitution for this State, either in whole or in part, with full power for this purpose; and if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

At this January session, printed petitions were presented, signed by about six hundred persons in all, as follows:

*To the Hon. the General Assembly of the State of Rhode Island:*

The undersigned, inhabitants and citizens of the State of Rhode Island, would respectfully represent to your honorable body, that they conceive that the dignity of the State would be advanced, and the liberties of the citizen better secured, by the abrogation of the charter granted unto this State by King Charles the Second of England, and by the establishment of a constitution which should more effectually define the authority of the



executive and legislative branches, and more strongly recognise the rights of the citizens. Your petitioners would not take the liberty of suggesting to your honorable body any course which should be pursued, but would leave the whole affair in your hands, trusting to the good sense and discretion of the General Assembly.

Your petitioners would further represent to the General Assembly, that they conceive that an extension of suffrage to a greater portion of the white male residents of the State would be more in accordance with the spirit of our institutions than the present system of the State; and for such an extension they ask.

Your petitioners would not suggest any system of suffrage, but would leave the matter to the wisdom of the General Assembly.

Upon both the prayers of your petitioners they would ask the immediate and efficient action of the General Assembly; and, as in duty bound, will ever pray.

[Signed by Elisha Dillingham, and about 580 others.]

The prayer of these petitions was answered by the action of the Assembly on the Smithfield memorial. Any extension of the right of suffrage was most proper for the people acting by their delegates in convention. Such a convention the General Assembly had every reason to believe would be formed under the resolutions which they had adopted.

At the last May session of this General Assembly, Mr. Mowry, of Smithfield, submitted a resolution, that the resolution for a convention to form a constitution for the State be amended, so as to elect the members in proportion to the number of delegates the towns would severally be entitled to according to the last census, not exceeding six to one town.

Mr. Atwell then said (if he has been reported correctly) that, in connexion with the resolution, he would call for the petition of Elisha Dillingham and others, for extending suffrage, presented at the last session; as he thought, when settling as to how many delegates should be elected, we should inquire as to who should elect those delegates.

Mr. Ames advocated the passage of Mr. Mowry's resolution.

The resolution of Mr. Mowry was adopted by the House, by a vote of 48 to 20.

The next day Mr. Atwell presented a bill which he had been requested to offer, as meeting the views of a large portion of our citizens. It provided for a new apportionment of representation, and an extension of suffrage in choosing delegates for the convention to frame a constitution.

Mr. Atwell (according to the published report) said he was not then prepared to say he could go the length the friends of the bill proposed. He wished the bill read, and referred to the Committee on the Judiciary, to report in June; and the bill was so disposed of.

At the last June session, (according to the published account,) Mr. Atwell made a minority report from the Committee on the Judiciary, to whom was referred the act sent to the House as aforesaid. The substance of the report was, that every white male citizen of the United States, over 21 years of age, who has resided in this State two years, and in the town or city where he is to vote for six months next preceding the town meeting, and who has paid a tax on real estate or personal property for one year previous to the time of voting, shall be allowed to vote for the choice of delegates to the convention appointed by the General Assembly to meet in November next,

for the purpose of forming a constitution, except persons insane, under guardianship, and convicts.

There was much debate in the House, growing out of this report; some denying the power of the House to pass such an act; others admitting the power of the House, but denying its propriety. The report was defended as to the power of the Assembly, and the propriety of such an act. On the question, fifty two voted against the act proposed by Mr. Atwell, and ten in its favor.

Mr. Spencer, who voted against the act, said that the proper course for those who wished for an extension of suffrage is to go to the convention appointed for the purpose of considering that subject with others; and if they found no redress there, then the proper course would be to come here.

This course, so plain and proper, was not adopted; on the contrary, measures were taken to extend suffrage by the act of those who, by law, were not entitled to suffrage, by a movement revolutionary in its character, and without any such necessity or oppression as must exist to justify revolution.

The refusal of the General Assembly to extend the right of electing delegates to the convention, to persons who were not qualified electors by the fundamental laws of the State, has been alleged as a justification for the convention which formed what they have been pleased to term the people's constitution.

Measures, however, were taken before the June session, by the friends of the suffrage movement, to organize a convention by their own authority.

In May last, at a large meeting in Newport, under the auspices of the suffrage association, measures were taken for calling a convention of the people, without any regard to the fundamental laws of this State, which, for nearly two hundred years, have required the possession of a freehold to entitle a person to be admitted to the exercise of political power, and to be a member of the body politic and corporate. A portion of the people responded to the call of this unauthorized body, and met in the several towns to choose delegates to a convention to form a constitution for this State, to be holden at Providence October 9, 1841.

This was in anticipation of the lawful convention, which was to meet on the first Monday of November last.

The unauthorized convention assembled in Providence at the time appointed. They were the delegates of a minority of the people, in whatever sense the word "people" may be understood. A small portion of the freeholders joined in this irregular election; and, although all persons were admitted to vote who chose, not more than about seven thousand two hundred votes gave any appearance of sanction to this convention. The number of white male citizens of the United States resident in this State, over 21 years of age, exceeds 22,000.

Such was the authority upon which this convention assembled and proceeded to act. It has been generally supposed that this convention proceeded simply without law, and not against law; but as they assumed the authority which, under the laws of this State, was to be exercised by another convention, chosen by the freemen for that purpose, they acted in opposition to the law under which the lawful convention was called, in violation of the right which belonged to the legally qualified electors, to make a constitution for this State; and their doings were not only *without law*, but *against law*.

This unlawful convention, elected by a minority of the people, proceeded to the solemn work of forming a constitution to be proposed to the people of this State, and also exercised one of the most important powers of sovereignty; of their own authority, they decided what portion of the people should, and what portion should not, vote upon the adoption or rejection of the constitution. At meetings holden under their authority, their constitution was submitted to those whom they pleased to recognise as the people. It was voted for, during three days, in open meetings; and three days by votes collected from all quarters, by any person or persons, and brought to the pretended moderator, and with no opportunity for detection of frauds. Votes thus collected and counted, by their own mode of computation, they have declared to have been given by a majority of the people; and, by the same usurped authority, have proclaimed their constitution to be the supreme law of this State.

The lawful convention met at the time appointed, on the first Monday of November last. On the question of suffrage, they decided to admit persons to vote who did not possess a freehold qualification. They decided not to admit, in future, the eldest sons of freeholders as qualified voters. On the question, what personal property qualification would be required? there were three propositions: one proposing five hundred, another three hundred, and another two hundred dollars. The vote being taken on the largest sum first, it was decided in favor of this. On further reflection, it was ascertained that rejecting the eldest sons, and requiring a personal property qualification of the value of five hundred dollars, would not be an extension, but a diminution of the number entitled to vote. At this period of their deliberations the convention adjourned, to meet again on the 14th of February, to ascertain the sentiments of their constituents on this fundamental question. Before this time, however, the suffrage convention completed their work, and declared their constitution the supreme law. At the session of this General Assembly, in January last, they communicated their constitution and their declaration to the General Assembly. At the commencement of the January session, Mr. Atwell, who had been a member of the suffrage convention, introduced an act reciting the fact of the adoption of the suffrage constitution by a majority of the people, and its having become the supreme law, and requiring this General Assembly to yield up its authority to the new government which was to be formed under it.

This step being found too bold to meet with any countenance in this Assembly, he afterwards made a motion to inquire how many of the legally qualified voters in the State had voted for this constitution. This motion did not prevail. The Legislature was not disposed to sanction, in any manner, the doings of this convention, or the voting under their authority. The following resolutions were then passed by the General Assembly, with much unanimity—but seven voting against them:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,



*It is hereby resolved by this General Assembly, That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.*

*Resolved, That the convention called and organized in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.*

*Resolved, That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.*

True copy:—Witness,

HENRY BOWEN, *Secretary.*

This General Assembly, though they considered this pretended constitution as a nullity, yet were disposed to consider the number of persons who had voted for it as expressive of an opinion in the community that the right of suffrage should be very liberally extended. A bill was introduced into the Legislature, providing for such an extension of suffrage as was afterwards adopted by the legal convention. It was, however, deemed improper, by many, that this should be done by the General Assembly, and especially as the freemen had already sent delegates to a convention to decide upon this matter. As a substitute for this bill, and with a view to conciliation, the following act was passed:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

AN ACT in amendment of an act entitled "An act revising the act entitled 'An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.'"

Whereas the good people of this State having elected delegates to a convention to form a constitution; which constitution, if ratified by the people, will be the supreme law of the State: therefore,

*Be it enacted by the General Assembly as follows:*

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution.

True copy: Witness,

HENRY BOWEN, *Secretary.*

The legally authorized convention met at the time to which they had adjourned, (the 14th of February,) finished their work, and submitted their constitution to the people, to be voted upon on the 21st, 22d, and 23d of March, 1842. The provisions of this constitution extended the right of suffrage to every white male native citizen of the United States, of the age of 21 years, who has resided in this State two years, and in the town or city where he offers to vote six months next preceding his voting, excepting

lunatics, paupers, &c.; and to such naturalized citizens as possessed such freehold qualification as has been heretofore required for all citizens, on a residence of three years in this State after their naturalization, and six months in the town or city in which they offer to vote, next preceding the time of voting.

This extension was as liberal to all native-born American citizens, as that granted by the (so called) "people's constitution," except that two years' residence was required instead of one. It was a further extension than was contemplated by the bill already mentioned, introduced by Mr. Atwell, at the June session.

In relation to those who were born in foreign countries, it was not deemed prudent that they should be admitted to the right of suffrage as freely as the native-born citizen, and not until, by a longer residence, and a freehold qualification, there was such "evidence of permanent common interest with, and attachment to, the community," as would render it safe to extend to them this most important right.

It was to have been expected that the native-born citizens of the United States, resident among us, who have been so desirous of an extension of suffrage, would have accepted this constitution in the same spirit of conciliation and compromise with which it was offered them. Many have done so; and many more would have done so, if pains had not been taken by their interested leaders to pledge them to vote against this constitution before it was ever formed. And many have said that they would not vote for it, if it had been word for word like their own.

Such a spirit is beyond the reach of conciliation or compromise. Nothing can satisfy such men but a triumph over the law, and a prostration of the government to their unhallowed purposes.

By a small majority (676) the constitution has been rejected. We have no doubt many voted against it from their attachment to the freehold qualification. Some voted against it, because the colored people were not placed on the same platform with white men; others, because they considered the representation in the Legislature unequal; and we have reason to believe that many voted against it, being deceived by the grossest misrepresentations, and having been told they would lose, if this constitution was adopted, certain rights and privileges to which they were well known to be much attached.

We have seen, on the part of a portion of the free suffrage men, a zeal in opposition to this constitution, which offered to them more than they originally asked, that cannot be accounted for upon the principles of interest and prudence which govern men in ordinary times. With them, the contest has ceased to be for principle; it has become a contest for power;—not for power under ordinary circumstances, for the honors or emoluments of office under the same laws and the same government, but a contest for power, in violation of every righteous principle, to the destruction of all law, and all legitimate government.

We cannot for a moment doubt on which side all good citizens will array themselves, when such a contest is brought to that issue, which is threatened by those resolutions these deluded men have already passed, "That they will support their constitution 'by all necessary means, and repel force by force.'"

The duty of the government is most plain. We are required to protect the citizen by legislation when the laws are defective, to warn the deluded

how they act in violation of the laws, and to exert the means put into our hands to vindicate the rights of the government, and to guard the peace and happiness of the State.

With this view, your committee recommend the passage of a bill herewith presented, which, in their opinion, is necessary to meet the exigency of the times. Your committee also recommend the passage of the following resolutions:

*Resolved*, That his excellency the Governor be requested to issue his proclamation to the good people of this State, exhorting them to give no aid or countenance to those who, in violation of the law, may attempt to set up a government in opposition to the existing government of this State, and calling upon them to support the constituted authorities for the preservation of the public peace, and in the execution of those laws on which the security of all depends.

*Resolved*, That his excellency the Governor be, and he is hereby, authorized to adopt such measures as, in his opinion, may be necessary, in the recess of this Legislature, to execute the laws and preserve the State from domestic violence; and that he be, and is hereby, authorized to draw on the general treasurer for such sums as may be required for these purposes.

*Resolved*, That this report, and the act accompanying, entitled "An act in relation to offences against the sovereign power of the State," be published in all the newspapers in this State; that ten thousand copies be printed in pamphlet form; and that the Secretary of State cause the same to be forthwith distributed in the several towns of this State and the city of Providence; and that five copies of the same be sent to the Governor of each State, and a copy each to the President, Vice President, members of the Cabinet, Senators, and members of the House of Representatives of the United States.

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AN ACT in relation to offences against the sovereign power of the State.

Whereas, in a free government, it is especially necessary that the duties of the citizen to the constituted authorities should be plainly defined, so that none may confound our regulated American liberty with unbridled license: and whereas certain designing persons have, for some time past, been busy with false pretences amongst the good people of this State, and have framed, and are now endeavoring to carry through, a plan for the subversion of our government, under assumed forms of law, but in plain violation of the first principles of constitutional right, and many have been deceived thereby: and whereas this General Assembly, at the same time that it is desirous to awaken the honest and well meaning to a sense of their duty, is resolved, by all necessary means, to guard the safety and honor of the State, and, overlooking what is past, to punish such evil doers in future, in a manner due to their offences:

*Be it enacted by the General Assembly as follows.*

SECTION 1. All town, ward, or other meetings of the freemen, inhabitants, or residents of this State, or of any portion of the same, for the election of any town, city, ward, county, or State officer or officers, called or



held in any town of this State, or in the city of Providence, except in the manner, for the purposes, at the times, and by the freemen, by law prescribed, are illegal and void; and any person or persons who shall act as moderator or moderators, warden or wardens, clerk or clerks, in such pretended town, ward, or other meetings hereafter to be held, or in any name or manner receive, record, or certify votes for the election of any pretended town, city, ward, county, or state officers, shall be deemed guilty of a misdemeanor, and be punished by indictment, with a fine not exceeding one thousand, nor less than five hundred dollars, and be imprisoned for the term of six months: *Provided, however,* That this act is not intended to apply to cases in which, by accident, or mistake, some prescribed form or forms of calling town or ward meetings of the freemen of the several towns of this State and of the city of Providence, shall be omitted or overlooked.

SEC. 2. Any person or persons who shall, in any manner, signify that he or they will accept any executive, legislative, judicial, or ministerial office or offices, by virtue of any such pretended elections in any such pretended town, ward, or other meeting or meetings, or shall knowingly suffer or permit his or their name or names to be used as a candidate or candidates therefor, shall be adjudged guilty of a high crime and misdemeanor, and be punished by indictment in a fine of two thousand dollars, and be imprisoned for the term of one year.

SEC. 3. If any person or persons, except such as are duly elected thereto according to the laws of this State, shall, under any pretended constitution of government for this State, or otherwise, assume to exercise any of the legislative, executive, or ministerial functions of the offices of Governor, Lieutenant Governor, Senators, members of the House of Representatives, Secretary of State, Attorney General, or General Treasurer of this State, or within the territorial limits of the same, as the same are now actually held and enjoyed, either separately or collectively, or shall assemble for the purpose of exercising any of said functions, all and every such exercise of, or meeting for the purpose of exercising all, any, or either of said functions, shall be deemed and taken to be a usurpation of the sovereign power of this State, and is hereby declared to be treason against the State, and shall be punished by imprisonment during life, as is now by law prescribed.

SEC. 4. All offences under this act shall be triable before the supreme judicial court only. Any person or persons arrested under the same, and also for treason against the State, may be imprisoned or held in custody for trial in the jail of such county of the State as the judge or justice issuing the warrant may order or direct; and the sheriff, or other officer charged with the service of such warrant, shall, without regard to his precinct, have full power and authority to take such person or persons, and him or them to commit to any county jail in this State which may be designated by such judge or justice; and it shall be the duty of all sheriffs, deputy sheriffs, town sergeants, constables, and jailers to govern themselves accordingly. All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State, without regard to the county in which the offence was committed; and the supreme judicial court shall have full power, for good cause, from time to time to remove for trial any indictment which may be found under this act, or for treason against the State, to such county of the State as they shall deem best, for the purpose of ensuring a fair trial of the same; and shall, upon the conviction of any such offender or offenders, have full power to order,

and from time to time to alter, the place of imprisonment of such offender or offenders, to such county jail within this State, or to the State's prison, as to them shall seem best for the safe custody of such offender or offenders; any act, law, or usage to the contrary, notwithstanding.

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SECRETARY'S OFFICE, April 4, 1842.

The foregoing is a true copy of the report of the committee, with the resolutions and act passed by the General Assembly thereon.

Witness:

HENRY BOWEN, *Secretary*.

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No. 3.—(F.)

*Constitution of the State of Rhode Island and Providence Plantations, as adopted by the convention assembled at Providence, November, 1841.*

We, the people of the State of Rhode Island and Providence Plantations, do ordain and establish this constitution for the government thereof.

ARTICLE I.

*Declaration of certain constitutional rights and principles.*

In order effectually to secure the religious and political freedom established here by our venerated ancestors, and to preserve the same for their posterity, we do declare that the inherent, essential, and unquestionable rights and principles hereinafter mentioned, among others, shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial, and executive proceedings.

SECTION 1. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.

SEC. 2. The right of the people to be secure in their persons, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing, as nearly as may be, the place to be searched, and the persons or things to be seized.

SEC. 3. No person shall be holden to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or such offences as are usually cognizable by a justice of the peace; or, in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be tried after an acquittal, for the same offence.

SEC. 4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

SEC. 5. All persons imprisoned ought to be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption

great. The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety shall require it; nor ever, without the authority of the General Assembly.

SEC. 6. In all criminal prosecutions, the accused shall enjoy the privilege of a speedy and public trial, by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining them in his favor; and to have the assistance of counsel in his defence, and be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers, or the law of the land.

SEC. 7. The person of a debtor, where there is not strong presumption of fraud, ought not to be continued in prison after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 8. No *ex post facto* law, or law impairing the obligation of contracts, shall be made.

SEC. 9. No man, in a court of common law, shall be compelled to give evidence criminating himself.

SEC. 10. Every man being presumed innocent until pronounced guilty by the law, all acts of severity that are not necessary to secure an accused person shall be repressed.

SEC. 11. The right of trial by jury shall remain inviolate.

SEC. 12. Private property shall not be taken for public uses, without just compensation.

SEC. 13. The citizens shall continue to enjoy and freely exercise the rights of fishery, and all other rights to which they have been heretofore entitled under the charter of this State, except as is herein otherwise provided.

SEC. 14. The military shall always be held in strict subordination to the civil authority.

SEC. 15. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

SEC. 16. The liberty of the press being essential to the security of freedom in a State, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be a sufficient defence to the person charged.

SEC. 17. The citizens have a right, in a peaceable manner, to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or other purposes, by petition, address, or remonstrance.

SEC. 18. The right of the people to keep and bear arms shall not be infringed.

SEC. 19. Slavery shall not be tolerated in this State.

SEC. 20. Whereas Almighty God hath created the mind free, and all attempts to influence it, by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerable ancestors, in their migrations to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil state may stand, and be best maintained, with full liberty in religious concerns: we,



therefore, declare that no man shall be compelled to frequent or support any religious worship, place, or ministry whatever; nor enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer, on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion; and that the same shall in nowise diminish, enlarge, or affect their civil capacities.

SEC. 21. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

## ARTICLE II.

### *Of the right of suffrage.*

SECTION. 1. Every person who is now a freeman, and qualified voter, shall continue to be so, so long as he retains the qualifications upon which he was admitted.

\*SEC. 2. Hereafter, every white male native citizen of the United States, or any territory thereof, of the full age of twenty one years, who shall have had his actual permanent residence and home in this State for the period of one year, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and shall be seized in his own right of a freehold real estate in such town or city, of the value at least of one hundred and thirty-four dollars over and above all incumbrances, shall, therefrom, have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings.

SEC. 3. Every white male native citizen of the United States, or any territory thereof, of the full age of twenty one years, who shall have had his actual permanent residence and home in this State for the period of two years, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, shall have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings: *Provided, however,* That no person who is not now a freeman shall be allowed to vote upon any motion to impose a tax, or incur expenditures in any town or city, unless he possess the freehold qualification required by this article, or shall have been taxed on property valued at least at one hundred and fifty dollars, within one year from the time he may offer to vote, and shall have paid such tax in said town or city.

SEC. 4. Any white male, native of any foreign country, of the full age of twenty one years, naturalized in the United States according to law, who shall have had his actual permanent residence and home in this State for the period of three years after his naturalization, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and shall be seized in his own right of a freehold real estate, in such town or city, of the value at least of one hundred and thirty-four dollars over and above all incumbrances, shall, therefrom, have a right to vote in the election of all civil officers, and in all questions in all town or ward meetings. But no person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State. And no pauper, lunatic, or person *non compos mentis*, or under guardianship, shall be permitted to vote;

nor shall any person convicted of any crime deemed infamous at common law, be permitted to exercise that privilege until he be restored thereto by the General Assembly. Persons residing on land ceded by this State to the United States shall not be entitled to exercise the privilege of electors during such residence.

SEC. 5. The General Assembly shall, as soon as may be after the adoption of this constitution, provide for the registration of voters; and shall also have full power generally to enact all laws necessary to carry this article into effect, and to prevent abuse and fraud in voting.

SEC. 6. All persons entitled to vote shall be protected from arrest in civil cases, on the days of election, and on the day preceding and the day following an election.

SEC. 7. In the city of Providence, and all other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not qualified to vote upon a motion to impose a tax or incur expenditures as herein provided.

SEC. 8. The General Assembly shall have power to provide, by special or general laws, for the admission of any native male citizen of the United States, or any Territory, who shall have had his permanent residence and home in this State for two years, but who is not otherwise qualified under this article, to vote on such conditions as they may deem proper, except for taxes and expenditures.

### ARTICLE III.

#### *Of the distribution of powers.*

The powers of the government shall be distributed into three distinct branches—the legislative, executive, and judicial.

### ARTICLE IV.

#### *Of the legislative power.*

SECTION 1. This constitution shall be the supreme law of the State; and all laws inconsistent therewith shall be void. The General Assembly shall pass all such laws as are necessary to carry this constitution into effect.

SEC. 2. The legislative power, under this constitution, shall be vested in two distinct houses, or branches, each of which shall have a negative on the other: the one to be styled the Senate, the other the House of Representatives; and both together, the General Assembly. The style of their laws shall be: It is enacted by the General Assembly as follows.

SEC. 3. There shall be one session of the General Assembly holden annually at Newport, on the first Tuesday of May; and one other annual session, to be holden on the last Monday of October, once in two years, at South Kingstown; and the intermediate years, alternately at Bristol and East Greenwich; and the adjournment from the October session shall be holden at Providence.

SEC. 4. No member of the General Assembly shall take any fees, or be of counsel in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof to the satisfaction of the branch of which he is a member.

SEC. 5. The person and estate of every member of the General Assembly shall be free and exempt from all process in any civil action during the session of the General Assembly, and for two days before the commencement and after the termination thereof. And all process served contrary hereto shall be void. And for any speech in debate, in either House, no member shall be questioned in any other place.

SEC. 6. Each House shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may prescribe.

SEC. 7. Each House may determine the rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member; but not a second time for the same cause.

SEC. 8. Each House shall keep a journal of its proceedings. The yeas and nays of the members of either House shall, at the desire of one-fifth of those present, be entered on the journal.

SEC. 9. Neither House shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

SEC. 10. The General Assembly shall continue to exercise the judicial power, the power of visiting corporations, and all other powers they have heretofore exercised, not inconsistent with this constitution.

SEC. 11. The General Assembly shall regulate the compensation of the Governor and other officers elected by general ticket, or by the General Assembly, and of the members of the General Assembly, subject to the limitations contained in this constitution.

SEC. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

SEC. 13. The General Assembly shall have no power, hereafter, to incur State debts to an amount exceeding fifty thousand dollars, except in time of war, or in case of invasion, without the express consent of the people; nor in any case, without such consent to pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the Government of the United States.

SEC. 14. The assent of two-thirds of the members elected to each branch of the General Assembly shall be required to every bill appropriating the public moneys, or property, for local or private purposes.

SEC. 15. The General Assembly shall, from time to time, provide for making new valuations of property, for the assessment of taxes, in such manner as they may deem best. No direct State tax shall be assessed on the ratable property of the State, before a new estimate of such property shall be taken.

SEC. 16. Whenever a direct tax is laid by the State, one sixth part thereof shall be assessed on the polls of the qualified electors: provided that the tax on a poll shall never, in any one tax, exceed the sum of fifty cents.

SEC. 17. The General Assembly may provide by law for the continuance in office of any officers of annual appointment, until other persons are qualified to take their places.



## ARTICLE V.

*Of the House of Representatives.*

SECTION 1. The House of Representatives shall consist of members elected by the electors of the several towns and cities in the respective town and ward meetings. Each town or city having four thousand inhabitants, and under six thousand five hundred, shall be entitled to elect three Representatives; each town or city having six thousand five hundred inhabitants, and under ten thousand, shall be entitled to elect four Representatives; each town or city having ten thousand inhabitants, and under fourteen thousand, shall be entitled to elect five Representatives; each town or city having fourteen thousand inhabitants, and under eighteen thousand, shall be entitled to elect six Representatives; each town or city having eighteen thousand inhabitants, and under twenty two thousand, shall be entitled to elect seven Representatives; each town or city having over twenty two thousand inhabitants, shall be entitled to elect eight Representatives. But no town or city shall be entitled to elect more than eight Representatives, and every town or city shall be entitled to elect two. The representation of the several towns and cities in this State shall be apportioned agreeable to the last census of the people of the United States preceding the election.

SEC. 2. The House of Representatives shall have authority to elect its Speaker, clerks, and other officers. The oath of office shall be administered by the Secretary of State, or, in his absence, by the Attorney General. The clerks shall be engaged by the Speaker.

SEC. 3. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

SEC. 4. The senior member from the town of Newport, present, shall preside in the organization of the House.

## ARTICLE VI.

*Of the Senate.*

SECTION 1. The Senate shall consist of nineteen members, to be chosen annually by the majority of electors, by districts. The State shall be divided into sixteen districts, as follows:

*First.* The town of Newport shall constitute the first senatorial district, and shall be entitled to elect two Senators.

*Second.* The towns of Portsmouth, Middletown, Tiverton, Little Compton, New Shoreham, and Jamestown, shall constitute the second senatorial district, and shall be entitled to elect two Senators.

*Third.* The city of Providence shall constitute the third senatorial district, and shall be entitled to elect two Senators.

*Fourth.* The town of Smithfield shall constitute the fourth senatorial district, and shall be entitled to elect one Senator.

*Fifth.* The towns of Cumberland and North Providence shall constitute the fifth senatorial district, and shall be entitled to elect one Senator.

*Sixth.* The towns of Scituate, Cranston, and Johnston, shall constitute the sixth senatorial district, and shall be entitled to elect one Senator.

*Seventh.* The towns of Gloucester, Foster, and Burrillville, shall constitute the seventh senatorial district, and shall be entitled to elect one Senator.

*Eighth.* The town of South Kingstown shall constitute the eighth senatorial district, and shall be entitled to elect one Senator.

*Ninth.* The towns of Westerly and Charlestown shall constitute the ninth senatorial district, and shall be entitled to elect one Senator.

*Tenth.* The towns of Hopkinton and Richmond shall constitute the tenth senatorial district, and shall be entitled to elect one Senator.

*Eleventh.* The towns of North Kingstown and Exeter shall constitute the eleventh senatorial district, and shall be entitled to elect one Senator.

*Twelfth.* The town of Bristol shall constitute the twelfth senatorial district, and shall be entitled to elect one Senator.

*Thirteenth.* The towns of Warren and Barrington shall constitute the thirteenth senatorial district, and shall be entitled to elect one Senator.

*Fourteenth.* The towns of East Greenwich and West Greenwich shall constitute the fourteenth senatorial district, and shall be entitled to elect one Senator.

*Fifteenth.* The town of Coventry shall constitute the fifteenth senatorial district, and shall be entitled to elect one Senator.

*Sixteenth.* The town of Warwick shall constitute the sixteenth senatorial district, and shall be entitled to elect one Senator.

And no more than one Senator shall be elected from any town for the same term, in the second senatorial district.

SEC. 2. The Lieutenant Governor shall ex officio be a member of the Senate.

The Secretary of State shall be, by virtue of his office, Secretary of the Senate, unless otherwise provided by law; and the Senate may elect such other officers as they may deem necessary.

SEC. 3. If, by reason of death, resignation, or absence, there be no Governor or Lieutenant Governor present, to preside in the Senate, the Senate shall elect one of their own number to preside, until the Governor or Lieutenant Governor returns, or until one of said offices is filled according to this constitution; and, until such election is made by the Senate, the Secretary of State shall preside.

#### ARTICLE VII.

##### *Of impeachments.*

SECTION. 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted, except by vote of two-thirds of the members elected. When the Governor is impeached, the chief or presiding justice of the supreme judicial court for the time being, shall preside, with a casting vote in all preliminary questions.

SEC. 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The party convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

#### ARTICLE VIII.

##### *Of the executive power.*

SECTION 1. The chief executive power of this State shall be vested in a Governor.

SEC. 2. The Governor shall take care that the laws be faithfully executed.

SEC. 3. He shall be captain general and commander-in chief of the military and naval forces of this State, except when they shall be called into the service of the United States.

SEC. 4. He shall have power to grant reprieves, after conviction, in all cases, except those of impeachment, until the end of the next session of the General Assembly, and no longer.

SEC. 5. The person filling the office of Governor shall preside in the Senate, and in grand committee; and shall have a right, in case of equal division, to vote; not otherwise.

SEC. 6. He may fill vacancies in office not otherwise provided for by this constitution, or by law, until the same shall be filled by the General Assembly, or the people.

SEC. 7. In case of disagreement between the two Houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper; provided that the time of adjournment shall not be extended beyond the day of the next stated session.

SEC. 8. He may, on special emergencies, convene the General Assembly at any town in this State, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious diseases in either of the places in which the General Assembly may by law meet, or to which they may have been adjourned, or from other circumstances, he may, by proclamation, convene said Assembly at any other place within this State.

SEC. 9. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations, shall be sealed with the State seal, signed by the Governor, and attested by the Secretary.

SEC. 10. In case of the death, resignation, refusal or inability to serve, or removal from office of the Governor, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the next annual election for Governor, and be duly qualified, or until the Governor, impeached or absent, shall be acquitted or return.

SEC. 11. If the offices of Governor and Lieutenant Governor be both vacant by reason of death, resignation, absence, or otherwise, the person entitled to preside over the Senate for the time being, shall, in like manner, administer the government until he be superseded by a Governor or Lieutenant Governor.

SEC. 12. The compensation of the Governor and Lieutenant Governor shall be established by law, and shall not be diminished during the term for which they were elected.

SEC. 13. The duties and powers of the Secretary, Attorney General, and General Treasurer, shall be the same under this constitution as are now established, or from time to time may be prescribed by law.

## ARTICLE IX.

### *Of elections.*

SECTION 1. The Governor, Lieutenant Governor, Senators, Representatives, Secretary of State, Attorney General, and General Treasurer, shall



be elected at the town, city, or ward meetings, to be holden on the third Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday in May next succeeding their election, and until others are legally chosen and duly qualified to fill their places.

SEC. 2. The voting for all officers chosen by the people, except town or city officers, shall be by ballot, in manner to be regulated by law. Town or city officers shall be chosen by ballot, on demand of any two persons entitled to vote for the same.

SEC. 3. The names of the persons voted for as Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, shall be put upon one ticket, and the tickets shall be deposited by the moderator or warden in a box by themselves. The names of the persons voted for as Senators, and as Representatives, shall be put upon separate tickets, and the tickets shall be deposited by the moderator or warden in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

SEC. 4. All the votes given for Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, and also for Senators, shall remain in the ballot-boxes till the polls are closed. These votes shall then, in open town and ward meetings, be taken out and sealed in separate envelopes by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and forthwith deliver or send them to the Secretary of State; whose duty it shall be securely to keep the same, and to deliver the votes for general officers to the Speaker of the House of Representatives, after the House shall be organized, at the May session of the General Assembly. The votes last named shall without delay be opened, counted, and declared, in such manner as the House of Representatives shall direct. The votes for Senators shall be counted by the Governor and Secretary of State, within seven days from the day of election, and the Governor shall give certificates to the Senators who are elected.

SEC. 5. The votes for Representatives in the several towns, after the polls are declared to be closed for the same, shall be counted by the moderators and clerks, who shall announce the result, and give certificates to the persons elected. If there be no election, or not an election of the whole number of Representatives to which the town is entitled, the polls for Representatives may be reopened, and the like proceedings shall be had until an election shall take place: provided, however, that an adjournment or adjournments of the election may be made to a time not exceeding seven days from the first meeting.

SEC. 6. In the city of Providence and other cities, the polls for Representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and delivered to the city clerk. The mayor and aldermen of said city or cities shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the Representatives, shall have taken place, the mayor and aldermen shall order a new election to be held, not more than ten days from the day of the first election, and so on till the election of Representatives shall be completed. Certificates of election shall be furnished by the city clerks to the persons chosen.

SEC. 7. If no person shall have a majority of votes for the office of Gov-

ernor or Lieutenant Governor, the Senate and House of Representatives, in grand committee, may choose one by ballot from the two persons having the highest number of votes.

SEC. 8. In case an election of the Secretary of State, Attorney General, or General Treasurer, should fail to be made by the electors at their annual election, the vacancy or vacancies shall be filled by the General Assembly in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or, in case of a vacancy in either of said offices from other causes, between the sessions of the General Assembly, the Governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act; and in such case, and also in all other cases of vacancies not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

SEC. 9. If there be no choice of a Senator or Senators at the annual election, or if a vacancy in the Senate occur from any other cause, the Governor shall issue his warrant to the town and ward clerks of the several towns and cities in the senatorial district or districts that may have failed to elect, or where such vacancy may have occurred, requiring them to open town or ward meetings for another election, on a day to be by him appointed, not more than fifteen days from the time of issuing such warrant; and, in such election, a plurality of votes shall elect.

SEC. 10. All general officers shall take the following engagement before they act in their respective offices, to wit: You, ———, being by the free vote of the freemen of this State of Rhode Island and Providence Plantations, elected unto the place of ———, do solemnly swear (or affirm) to be true and faithful unto this State, and to support the constitution of this State and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office, to the best of your abilities, according to law: so help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury. And the members of the General Assembly shall take an engagement to the same effect.

SEC. 11. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the choice of the persons voted for, except as is herein otherwise provided.

SEC. 12. The officers now elected in grand committee, except justices of the peace, shall continue to be so elected until otherwise prescribed by law.

SEC. 13. The oath or affirmation shall be administered to the Governor, Lieutenant Governor, and Senators, by the Speaker of the House of Representatives, in presence of the House, or elsewhere, by a justice of the supreme judicial court. The Secretary of State, Attorney General, and General Treasurer, shall be engaged by the person exercising the office of Governor.

#### ARTICLE X.

##### *Of qualifications for office.*

SECTION 1. No person shall be qualified to hold the office of Governor, Lieutenant Governor, Senator, or Representative in the General Assembly, unless he be a duly qualified elector. No person shall be elected a Representative to the General Assembly, or to any town or city office, unless he be a qualified elector, and an inhabitant of the town or city which elects him.

SEC. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

SEC. 3. The judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

SEC. 4. No person who holds any office under the Government of the United States, or any other State or foreign country, shall be capable of acting as a general officer, or shall take a seat in the General Assembly, unless, at the time of taking his engagement, he shall have resigned his office under such other government. And if any general officer, senator, representative, or judge shall, after his election, accept or hold any office under any other government, he shall not be capable thereafter of acting as a general officer, senator, representative, or judge, but the office shall be thereby vacated.

#### ARTICLE XI.

##### *Of the judicial power.*

SECTION 1. The judicial power of this State shall be vested in one supreme judicial court, and in such inferior courts as the General Assembly may, from time to time, ordain and establish; and the jurisdiction of the supreme and of all other courts may, from time to time, be regulated by the General Assembly.

SEC. 2. Chancery powers may be conferred by the General Assembly on the supreme judicial court; but no other court exercising chancery powers shall be established in this State, except as is now provided by law.

SEC. 3. The justices of the supreme judicial court shall be elected in grand committee of the two Houses, to hold their offices until their places be declared vacant by a resolution of the General Assembly to that effect; which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same majority of the other House. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at said session, the judge, or judges, shall hold his or their places, as is herein provided. But a judge of this, or of any other court inferior to the same, shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

SEC. 4. In case of vacancy by the death, resignation, refusal, or inability to serve, or absence from the State, of a judge of this court, his place may be filled by the grand committee until the next annual election; when the judge elected shall hold his office as before provided.

SEC. 5. The judges of the supreme judicial court shall receive a suitable compensation for their services, which shall not be diminished during their continuance in office.

SEC. 6. The judges of the supreme judicial court shall, in all trials, instruct the jury in the law.

SEC. 7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of justices of the peace, or wardens, resident therein, with such jurisdiction as the General



Assembly may prescribe; and said justices, or wardens, except in the towns of New Shoreham and Jamestown, shall be commissioned by the Governor.

SEC. 8. The courts of probate in this State, excepting the supreme judicial court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

#### ARTICLE XII.

##### *Of education.*

SECTION 1. The diffusion of knowledge as well as of virtue among the people being essential for the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all other means to secure to the people the advantages and opportunities of education, which they may deem necessary and proper.

SEC. 2. The money which now is, or which may hereafter be, appropriated by law for the formation of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

SEC. 3. All donations for the support of public schools, or for other purposes of education, which shall be received by the General Assembly, shall be applied according to the terms prescribed by the donors.

SEC. 4. The General Assembly shall make all necessary provisions by law for carrying this article into effect. They are prohibited from diverting said moneys, or fund, from the aforesaid uses; and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, under any pretence whatsoever.

#### ARTICLE XIII.

##### *Of amendments.*

The General Assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each House. Such propositions shall be published in the newspapers, and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be by said clerks inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected to each House, at said annual meeting, shall approve any proposition thus made, the same shall be published and sent to the electors in the mode provided in the act of approval; and, if then approved by three-fifths of the electors of the State present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the State.

## ARTICLE XIV.

*Of the adoption of this constitution.*

SECTION 1. This constitution, if adopted, shall go into operation on the first Tuesday in May, in the year one thousand eight hundred and forty-two. The first election of Governor, Lieutenant Governor, Secretary of State, Attorney General, and General Treasurer, and of Representatives and Senators, under said constitution, shall be had on the third Wednesday of April next preceding. And the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil, judicial, and military officers now elected, or who shall hereafter be elected, by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices, and may exercise their powers, until that time, or until their successors are qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors, under this constitution, are duly elected and qualified.

SEC. 2. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been formed.

SEC. 3. The supreme judicial court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the General Assembly.

SEC. 4. The towns of Jamestown and New Shoreham shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention, February 19, 1842.

HENRY Y. CRANSTON,  
*President of the Convention.*

THOMAS A. JENCKES, *Secretary.*

WALTER W. UPDIKE, *Assistant Secretary.*

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*Secretary's Office, February, 1842.*

The foregoing is a true copy of the original roll deposited in the Secretary's office.

Witness :

HENRY BOWEN, *Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In Convention, February 19, A. D. 1842.*

*Resolved*, That the constitution framed by this convention be certified by the president and secretaries, and, with the journal and papers of the convention, shall be deposited in the office of the Secretary of State; that the Secretary of State cause said constitution, together with this resolution, and all the acts and resolutions of the General Assembly relating to this convention, to be printed and distributed according to law; and that said constitution be submitted to all the people authorized to vote for general officers under the same, for their ratification or rejection, at town and ward meetings, to be holden in the several towns and in the city of Providence on Monday, Tuesday, and Wednesday, the twenty first, twenty-second, and twenty-third days of March, A. D. 1842. The several town and city clerks shall issue the necessary warrants for said meetings. Said meetings shall be kept open for the reception of votes from the hour of nine o'clock in the forenoon, until seven o'clock in the afternoon; and in the city of Providence and town of Newport, until nine o'clock in the evening, on the days appointed. At said town and ward meetings every person voting shall have his name written on the back of his ballot; and said ballots shall be sealed up in open town or ward meetings, and, with lists of the names of the voters, shall be returned to the General Assembly at their session to be holden on the fourth Monday of March next.

Read and adopted, February 19, 1842.

THOMAS A. JENCKES, *Secretary*.

True copy of the original resolution deposited in the office of the Secretary of State.

Witness:

HENRY BOWEN, *Secretary*.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1841.*

*Resolved by the General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the several towns in this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of like qualifications, as they are now respectively entitled to choose Representatives to the General Assembly, to attend a convention, to be holden at Providence on the first Monday of November, 1841, to frame a new constitution for this State, either in whole or in part, with full powers for this purpose; and, if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

*Resolved*, That a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings



in August, may elect them at any time previous to the meeting of said convention.

*Resolved*, That the constitution or amendments agreed upon by said convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the president and secretary, and returned to the Secretary of State; who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof; and also, fifteen thousand ballots, on one side of which shall be printed "amendments," or, "constitution adopted by the convention holden at Providence on the first Monday of November last;" and on the other side, the word *approve* on one half of the said ballots, and the word *reject* on the other half.

*Resolved*, That, at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly, at its next succeeding session; and said General Assembly shall cause said ballots to be examined and counted; and said amendments, or constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

*Resolved*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president.

True copy:—Witness,

HENRY BOWEN, *Secretary*.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
In General Assembly, May session, A. D. 1841.

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the delegates from the several towns to the State convention to be holden in November next, for the purpose of framing a State constitution, be elected on the basis of population, in the following manner, to wit: Every town of not more than 850 inhabitants may elect one delegate; of more than 850 and not more than 3,000 inhabitants, two delegates; of more than 3,000 and not more than 6,000 inhabitants, three delegates; of more than 6,000 and not more than 10,000 inhabitants, four delegates; of more than 10,000 and not more than 15,000 inhabitants, five delegates; of more than 15,000 inhabitants, six delegates.

*Resolved*, That the delegates attending said convention be entitled to receive from the general treasury the same pay as members of the General Assembly.

*Resolved*, That so much of the resolutions to which these are in amendment, as is inconsistent herewith, be repealed.

True copy:—Witness,

HENRY BOWEN, *Secretary*.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

*Resolved by this General Assembly, (the Senate concurring with the House of Representatives therein,) That the freemen of the towns in this State, in whose delegation to the convention called to frame a constitution vacancies have occurred since the meeting of that convention, or may hereafter occur, be requested to elect delegates to fill those vacancies at town and ward meetings, to be holden before or during the session of said convention; notice of such meetings to be given at least one day previous to the holding thereof.*

True copy :—Witness,

HENRY BOWEN, *Secretary.*

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

AN ACT in amendment of an act entitled "An act revising the act entitled 'An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.'"

Whereas the good people of this State having elected delegates to a convention to form a constitution; which constitution, if ratified by the people, will be the supreme law of the State: therefore,

*Be it enacted by the General Assembly, as follows:*

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution.

True copy :—Witness,

HENRY BOWEN, *Secretary.*

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

*Resolved, That so much of the resolution relative to a convention for making a constitution, passed at the January session, 1841, as requires the Secretary of State to cause one thousand copies of the constitution, and fifteen thousand ballots, to be distributed to the several town and city clerks, be amended, so that he shall cause five thousand copies of said constitution and twenty-five thousand ballots to be distributed, in the same manner as is required by the aforesaid resolution.*

*Resolved, That said convention be authorized to appoint one or more days for voting on the adoption of said constitution.*

True copy :—Witness,

HENRY BOWEN, *Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,

*It is hereby resolved by this General Assembly,* That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

*Resolved,* That the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

*Resolved,* That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

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No. 4.—(E.)

*Address to the people of Rhode Island, from the convention assembled at Providence on the 22d day of February, and again on the 12th day of March, 1834, to promote the establishment of a State constitution.*

FELLOW-CITIZENS: Agreeably to an invitation from the towns of Cumberland and Smithfield, delegates from the following towns in this State, namely, Newport, Providence, Smithfield, Bristol, Warren, Cranston, Johnston, North Providence, Burrillville, and Cumberland, assembled in convention at Providence, on the 22d of the last month, to consult together upon the best course to be pursued for the establishment of a written State constitution which should properly define and fix the powers of the different departments of government, and the rights of the citizen.

The resolutions passed at our first meeting, have already been submitted to your consideration. We deemed it a duty to those whom we represent, to ourselves, and to the body of the people of the State whose co-operation we ask, to set forth in those resolutions explicitly, and beyond question or misinterpretation, an outline of the proposed political reform; leaving, where it belongs, to those who may be hereafter called to the important duty of framing a constitution, the task of maturing its provisions.

The articles which we have proposed, we are fully convinced, are indispensable articles in such an instrument; without which, it would be insufficient, unsatisfactory, and impracticable, defective in the distribution of political justice, ill-adapted to the wants and feelings of the people, and without the promise of permanent duration.



It was a duty to our *constituents* and to *ourselves*, thus freely to utter and set forth their and our views, sentiments, and plans, and to put an end to all conjectures about ulterior and concealed intentions, because we have nothing to disguise nor conceal; propose no change in the order of government which we do not believe to be clearly right, and because we deem it unworthy of men who live under institutions at least nominally republican, silently to acquiesce in the longer continuance of a system so defective in its structure, and unequal in its operation. It was a duty to the *people of the State* to announce to them unequivocally the nature and extent of those amendments to their present system, which we offer; especially, to remove every pretence of uncertainty from that part of our plan which relates to the enlargement of political rights, and to secure to the great principles of a constitution the benefits of public attention and mature judgment. And we are happy to be assured that the publication of our plan, in its length and breadth, and all its dimensions, has already had the effect of overcoming the doubts and objections of many who were opposed to us from an imperfect acquaintance with our views, and of enlisting their good will and assistance on the side of reform.

Having met again, for the second time, in convention, with the addition of delegates from the towns of Scituate and North Kingstown, we proceed, fellow-citizens, to state and to enforce, more at large, those reasons and arguments by which the subject of our resolutions is recommended to the good sense and justice of the people of Rhode Island, intending to use great plainness of speech, and endeavoring, at the same time, to present our opinions as briefly as the extent and importance of the matters to which they relate will in anywise permit.

There are some preliminary considerations with which we would occupy a few moments of your time, before advancing to the principal topics which belong to the present examination.

We desire, then, to disclaim, in the outset, any design or desire of offering the slightest disrespect to the memory or to the character of our predecessors, who first established that scheme of government into which we are now anxious to carry the work of reformation. If any pride of ancestry may be indulged in this country, the people of Rhode Island may honorably exult in those noble forefathers who abandoned their native home, and, again, their adopted land, and encountered the dangers of a savage wilderness, for the sake of that great experiment of religious liberty, in the blessings of which we all participate. Assembled as we now are, almost within a stone's cast of the ashes of Roger Williams, that one of us who should utter a word of disparagement of such a man, or his illustrious fellow-patriots, would feel himself rebuked by the "genius of the place." We revere the names of those venerable ancestors; we glory in our inheritance; and animated, as we trust, (though some of us are but the *subjects*, rather than the citizens of a republican State,) by a portion of their own love of freedom, of their firm purpose, of their zealous and determined perseverance; and resolved to carry out still further into practice the life and purport of those principles which they maintained at the foundation of the State, we would employ our earnest and unremitting exertions for the correction of defects and errors which, in the progress of time and change, are inevitably found to exist in the best organized system of government, and which are, at this moment, so visible and palpable in our own. If we bring to our under-

taking any of the ancient sturdy spirit of Rhode Island patriotism, we shall deserve, and in the end obtain, a proportionate success.

Nor is the business, fellow citizens, in which we are engaged, a mere narrow party affair, got up to promote the sordid views of personal aggrandizement. The aspect of our assembly, composed, as it is, of men of all the political divisions in the State, affords sufficient evidence to the contrary. We have individually sacrificed no opinions on national affairs; we intend to sacrifice none: we have asked no one to make this sacrifice; we do not intend so to ask, nor desire to see it made by any who may act with us. Leaving the field of national politics to every man's previous preferences and attachments, we find, in the present political necessities of our own State, a common ground for friendly and harmonious action. We meet here as brethren and fellow-laborers, and cast aside all personal feelings and prejudices, for the promotion of an object which is large enough and wide enough to comprehend within its limits men of every political complexion, and all men who have at heart the public honor and welfare.

There has been too much strife in this State about *men*, and for the benefit of *men*; too much *man worship*. Party after party has come into power, and many of us have lent our aid in effecting these party triumphs. But we have had the mortification of perceiving that very little has been done for the improvement of our political condition, from the fear of endangering this or that man's office or expectation of office—from the fear of offending, or from a desire to conciliate, this or that prominent politician—from an anxiety to stand well with this or that interest in the community. The fact, and the causes of it, have been so apparent, that the mere statement is the sufficient proof of them. And it has been for a long time a certain conviction in the mind of every accurate observer of political affairs, that nothing but a union of men of different parties could ever promise any very decisive change for the better in the condition of our institutions. In the spirit of concession and compromise upon matters of local politics, we have made this union, under the standard of a CONSTITUTIONAL PARTY.

Few who are seriously in favor of the cause we support will question the expediency, and indispensable necessity, of a party organization to insure its success. There must be a head and front to our undertaking. A great political benefit to all parties and classes of men must be brought about by political means. The idea that they who are opposed to a reformation, or who feel little interest in it, will take any measures for its accomplishment, while its friends remain in apathy, or confine themselves to complaints, resolutions, and memorials, instead of presenting themselves in the attitude of political preparation, is too delusive to be encouraged for a moment, and is repelled by all past experience. A party on wide and liberal grounds, such as we hope has now been formed among us, becomes a centre for the accumulation of new forces; it affords a rallying point for the doubtful and hesitating; it collects public opinion, and brings it to bear, in the strongest and surest manner, upon the ends to be attained.

That the present is a favorable time, and the right time, for the formation of such a party, we cannot entertain a doubt. The all absorbing question of a presidential election has been disposed of, for the present, by the re-election of the present incumbent. There is not, at this moment, such a doubtful balance of parties in the State as to give to any attempt at reform the appearance of being a measure designed solely for the purpose of securing a preponderance to either side. There is also, if we do not

greatly mistake the signs of the times, an increasing disposition in all parts of the State, and among all classes of our citizens, in favor of the desired result, founded on the belief of its necessity and justice. In order, then, to obtain this result, which has been heretofore unattainable by other parties, from the nature of their position and from other causes, we ask you, fellow-citizens, to approve our design, and to aid us in its execution, if you are already convinced that it is meritorious, or if we shall be able to offer you any arguments adapted to produce conviction. When you are so convinced, the surrender by you of local feelings to the general good, will, we doubt not, be cheerfully and decisively made.

Should you ask us for a more particular expression of our motives of action, we shall make, in reply, no loud profession of good intentions. Such professions, from the too frequent contradiction of them in practice, have fallen under a just suspicion, and are received with a very hesitating confidence by the public. Judge us by our *works*. By them we wish to be tried, and are ready to stand or fall. If we deviate from the straight and onward course which we have marked out, for the furtherance of secondary or sinister ends, we fail, and justly fail, in a cause of which we shall thus prove ourselves to be the unworthy advocates. But should we proceed with singleness of purpose, with a firm and steady regard to the great object before us,—addressing ourselves with good temper and moderation to the sense and justice of the people,—and if not without reproach, yet above the fear of it when unjust, we shall not only deserve, but receive the support of our fellow citizens, and witness the issue of our labors to the honor and advantage of the State.

It would be consuming your time unnecessarily, to enlarge upon the practical evils growing out of the exercise of irresponsible power in general, and which are attendant upon all irregular and fluctuating legislation. To attempt to convince you, by a formal argument, of the truth of this great axiom in political science, would argue a disrespect for your understanding and information, of which we shall not be guilty.

It is equally apparent, as a general principle, that a discretionary regulation of the elective right, and of the judicial system, can never be properly and safely vested in the legislature. In the language of the learned and eminent Chancellor Kent,—“The power of making laws is the supreme power in a State; and the department in which it resides will naturally have such a preponderance in the political system, *and act with such mighty force upon the public mind*, that the line of separation between that and the other branches of the government ought to be marked very distinctly, and with the most careful precision.”—(1st vol. Commentaries, page 207.) It will not do to say that the frequency of elections in this State affords a remedy for any evils in the administration of its affairs. Public opinion, it is true, does operate upon, and in a great degree control, the action of the Legislature; but let it never be forgotten that there is always a strong reaction—much stronger than we are sometimes aware—of the Legislature upon the people, in the formation of this opinion. It is in a great measure moulded and shaped by men who hold high stations, with a corresponding influence; and it will ever be the aim of those who exercise irregular power, so to guide and direct the opinion of their constituents, that it shall interfere the least with their own purposes and interests.

We believe, then—indeed, we feel positively assured—that the only method of accomplishing political reform in this State, is the adoption of a new



written constitution. The great, the single object of our party, is the adoption of such a constitution. This main scheme in which we are engaged necessarily involves in it several important subjects, that require to be treated of in detail. We propose, in the first place, to make known, and in as few words as possible, what we mean by a written constitution; and we will endeavor to designate, at the same time, the legitimate and proper source from which, as we conceive, such an instrument is to be procured.

A constitution is the *fundamental law* of a State. It is something intended to prescribe the powers and duties of government, and of the separate branches of the government; and also to establish the qualifications of electors, and generally to define the rights of the citizen. It may consist of an aggregate of laws and usages, like the constitution of England; or, it may be a written instrument, like the constitution of the United States. There are two classes, at least, of written constitutions. The people of Rhode Island require not to be informed that there is one class of written constitutions, consisting of such as are granted by monarchs to their subjects; in which class are included the charters derived from the British crown, and granted to the several colonies of North America; and under which all the colonies were, for a certain period, governed, and until they became independent States. But there is another class of written constitutions, with which the people of Rhode Island have been less conversant; although it is the class which, upon just principles, can be most successfully advocated: this class comprises the constitutions which come directly from the *free and sovereign people*, being such as do now exist in every State of the Union, with the single exception of Rhode Island.

When the American States severed the political tie which formerly bound them to Great Britain, all obligation to acknowledge obedience to a British charter as a constitution of government, was, of course, dissolved; and the people of each State were left free and sovereign. The people of each State, upon the happening of that momentous event, became equally tenants in common of the right of sovereignty; and all were equally entitled to a voice in directing what should be established as the fundamental rules of government; or, in other words, what should be the constitution. The sovereignty of the King of England passed, therefore, not to the Governor and Company of Rhode Island, but to the people at large, who fought the battles of the Revolution, and to their descendants. These positions are neither new nor indefensible. It has been judicially, and by one of the earliest appointed judges of the Supreme Court of the United States, declared that "the constitution is the work of the people themselves, in their ORIGINAL, SOVEREIGN, and UNLIMITED capacity."<sup>\*</sup>

The learned judge to whom we refer, on the same occasion, described what was then understood in this country by a constitution. "A constitution," he says, "is the form of government delineated by the mighty hand of the people; in which certain first principles or fundamental laws are established." "It is," he adds, "certain and fixed;" it contains "the permanent will of the people," being "the supreme law of the land," being "paramount to the will of the legislature," and liable only "to be revoked or altered by those who made it."

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<sup>\*</sup> See the charge of Judge Patterson to the grand jury in the case of *Van Horne vs. Dorrance*, in the circuit court of the Pennsylvania district, in 1795; reported in 2 Dallas's Reps., p. 304.

There is one fact which, of itself, is adapted to awaken attention—and it is, that such a constitution as has just been described has been established in every State except our own. That the people of Rhode Island retain their inherent right to establish (in their original, sovereign capacity) a constitution, cannot for a moment be doubted; inasmuch as they never have made a surrender of it, either directly or indirectly. Whenever, therefore, the people shall see fit to organize a government under a constitution of their own making, every good citizen will cheerfully submit to it. The important question then to be examined is, Has there been, or is there now, less occasion for a new written constitution in Rhode Island than in any other State of the Union? A moment's consideration makes it appear at least probable that some amelioration in the condition of the people of the State could be effected by substituting a new constitution in the place of a British charter, which was written out more than one hundred and seventy years ago, when the checks and restraints upon government, in no part of the world, were so well adjusted as they now are to the maintenance of rational liberty. In Rhode Island, as elsewhere, the object of government should be understood to be the welfare of the people generally—an object not to be arrived at without taking as a guide the everlasting principles of liberty and justice. *Liberty* and *justice* are no idle or insignificant words. In the whole range of human language there are no two words more pregnant in meaning. They comprise, as a part of their definition, restraints upon rulers, protection against legislative aggression, and a perfect guaranty of the rights of the citizen. Are these great objects properly secured by the charter of Charles II? We propose, in answer to this question, and in the spirit of candor, to consider that instrument with some attention.

We begin by inquiring whether it be consistent with the spirit of the declaration of American independence, and becoming the character of Rhode Island republicans, any longer to acknowledge the charter of a British king as a constitution of civil government? If the trappings of royalty appended to this instrument were taken away, would it not be better suited to a people who have changed the name of "*subjects*" for that of *citizens*, even allowing it to be, in all other respects, perfect? These royal supplements of "especial grace, certain knowledge, and mere motion" are the badges of our former colonial dependence, and are as inappropriate to our present condition as the habiliments and toys of childhood are to the proportions and habits of a more mature age. The declaration of independence, which severed forever the connexion between Great Britain and the colonies, should teach us a lesson on this subject; and it is this—that, retaining all which is valuable in the provisions of the old charter, we ought long since to have discarded its form. But it will be said, Are we not all republicans? and is there anything in the *name* of royalty to affright us? In the political world, more than anywhere else, *names* are *things*, as we all know by experience. And if but a single person, in his inquiry after political truth, and the principles of republicanism, should be misled or offended by the senseless formularies of "divine right," in which our grant of government is wrapped up, then ought we forthwith to assume both the form and truth of the republican system. But admitting, merely for the sake of argument, that the form of the royal charter, with all its monarchical appendages, subsists as firmly as when the seal was affixed to it, and that it was derived from a proper source—a far more important inquiry yet remains to be made:

Are the powers and duties of the different departments of our government properly marked out and defined by the charter?

When we take into view the time at which, and the objects for which, the charter of King Charles II was granted, we freely admit it to be, in many respects, a very good instrument. There is, however, but one of the provisions contained in it, involving legislative power and popular right, that was calculated for all future times. The provision referred to is, *that no person shall be called in question for any opinion in matters of religion, who does not actually disturb the civil peace.* In a constitution for this State, this provision of the charter should be scrupulously preserved. It cannot be copied too literally, nor retained too tenaciously; the act of the General Assembly, excluding Roman Catholics from the polls, to the contrary notwithstanding.

The main object in procuring the charter of Charles II was not to define with exactness the powers of the government it constituted, but it was to define territorial boundaries, and to secure a permanent union of all portions of territory under one domain. This is not only fairly to be presumed from the face of the charter itself, but it still more clearly appears by a recurrence to the circumstances under which that instrument was solicited and obtained from the government of the mother country. It is a matter of some interest to understand what the circumstances were under which it was solicited and obtained. It appears that originally the town of Providence constituted a distinct jurisdiction by itself; and so also did the island of Rhode Island, and Warwick likewise. These several territorial divisions became first united, and were first brought within one jurisdiction, by the charter of 1643. This charter is very short, and is very loose in its terms. It embraces a general power to establish such a government as should be agreed on by the "voluntary consent of all." In obtaining this voluntary consent in favor of uniting and consolidating different portions of territory under one government, there was much difficulty; for it was not until the year 1647 that a general government was agreed upon and established. In that year was the first General Assembly convened, and the place of convention was the town of Portsmouth. The government thus established was dissolved in 1651, by another charter obtained by Coddington, constituting him governor; and this charter severed the islands of Rhode Island and Conanicut from the connexion which they before had with Providence and Warwick. Though Coddington's charter was soon vacated, a re-union of the several towns was not immediately thereupon effected; but, on the contrary, representatives from Providence and Warwick met at Providence, while another assembly met on the Island. When a re-union took place, which, after much difficulty, was effected, it became an object to perpetuate it; and for this purpose, principally, was procured, in 1663, the charter of King Charles II, which still exists as the nominal constitution of the State.

That charter is so superabundant in words and oft repeated recitals, that no inconsiderable degree of patience is required in extracting from it its exact meaning and import. The only constitution of government it prescribes may, in plain and more modern language, be embraced within a very small compass. After appointing a governor, deputy governor, and ten assistants, to continue such until the first Wednesday in May next ensuing, it then provides that those officers shall be elected on the first Wednesday in May, in each year, at Newport, "by the greater part of the said company for the time being, who shall be then and there present." The



officers just named, with six persons from Newport, four for each of the respective towns of Portsmouth, Providence, and Warwick, and two persons for each other town, to be elected by the major part of the freemen of the respective towns, are to hold a general assembly, twice in every year; namely, on every first Wednesday in the month of May, and on every last Wednesday in the month of October, or oftener if it shall be requisite. The members, or the greater part of the members, constituting this assembly ("whereof the governor, or deputy governor, and six of the assistants, at least to be seven,") are invested with the following general powers, viz: To alter the times and places of holding the general assembly; to admit free such persons as they may think fit; to create such offices, and elect such officers, as they shall deem requisite; to make and repeal such laws, forms, and ceremonies of government as shall be deemed advisable; to establish courts and appoint judges; to regulate the manner of election to offices and places of trust; to prescribe the number and limits of new towns; and, finally, to use the sweeping words of the charter, "to direct, rule, order, and dispose of all other matters and things as to them shall seem meet."

It will be perceived, then, that the powers conferred by the charter for the organization and administration of the government, afford so much latitude, and are of such indefinite import, as to leave a great deal too much to the discretion of the legislature—more especially as, since the declaration of independence, no appeal can be had, as formerly, by an aggrieved party, to a tribunal of the mother country.\* Further than this, a variety of instances can be pointed out, which show that the General Assembly have heretofore considered the charter an instrument conferring upon them a dominion entirely discretionary.

The charter, as we have already seen, provides that the governor, deputy governor, and assistants, are to be elected on every first Wednesday in May, at Newport, by a majority of the voters then and there present. This provision the General Assembly have deemed themselves competent to annul. By an act passed in October, 1664, less than a year after the public proclamation of the charter, which was made at Newport on the 24th of November, 1663, it was provided that all freemen who so desired, instead of coming in person to Newport to vote for general officers on the first Wednesday in May, might vote in lawful town meetings, where their proxy votes should be received, and thence transmitted to the General Assembly.

In August, 1760, voting at Newport was entirely prohibited, except to members of the General Assembly; and the voters were directed to vote in their respective towns on the third Wednesday of April.

We have perceived, too, that the charter provides that the freemen are to be admitted by the General Assembly; whereas the General Assembly, directly contrary to that provision, enacted in the year 1666 that the freemen should be admitted by the freemen of the respective towns, in town meeting.

The charter also appoints that the governor, deputy governor, and assistants, with the representatives chosen by the several towns, shall hold a general assembly, without any provision for forming two separate houses; and yet, by an act of the General Assembly, passed in 1696, the governor, deputy governor, and assistants are to sit separately.

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\*The General Assembly, at the June session, 1719, went even so far as to cut off the liberty of appeal to the king in council, unless the matter in controversy was of the value of three hundred pounds.

The act authorizing a lieutenant governor, or senior senator, to discharge the duties of governor in case of a vacancy by non election, death, or resignation, or of his absence or inability, is another instance of the exercise of a sovereign discretion by the legislature, for the purpose of remedying a defect in the charter.

We wish to be understood, that we consider neither of the above acts in itself objectionable. We have pointed them out merely as being essential deviations from some of the most precise directions set down in the charter.

But what must be thought of the act of the General Assembly\* excluding *Roman Catholics* from the polls? The charter, in this instance, was treated as a perfectly dead letter; for it expressly provides "that no person within the said colony, at any time hereafter, shall be in *anywise* molested, punished, disquieted, or called in question, for any differences of opinion in *matters of religion*, who does not actually disturb the civil peace." Professors of the Roman Catholic faith were, by the act of tyranny referred to, not only "molested" and "disquieted," but "punished;" and that, too, by denying to them the inestimable right of suffrage!

To come down to a later period. Soon after the State was, with the other States, acknowledged free and independent, the General Assembly presented a singular example of high handed prerogative. The judges of a court, in discharge of their imperative duty, had ventured to decide that an act passed by the General Assembly, and deeply affecting the rights of a citizen, was repugnant to the great principles of liberty contained in *Magna Charta*, and was incompatible with the acknowledged rights of even British

\* The act of February, 1783, extends to *Roman Catholic* citizens all the rights and privileges of the *Protestant* citizens of this State, as declared by the act of the 1st of March, 1663-4, "any exceptions in the said act to the contrary notwithstanding."—(See the last paragraph of this note.) The clause of exclusion in this act, "*Roman Catholics only excepted*," was evidently added to the act of 1664, long afterward—some time between the years 1719 and 1730. It is not to be found in the records of the State so far down as the year 1719, when the first (imperfect) edition of the laws was published. In the second edition of 1730, it appears for the first time. The legislature, therefore, when they spoke of this clause as a part of the act of 1663-4, must be understood to have considered it as an addition or amendment. The present charter was granted in July, 1663; and it is altogether incredible that Roger Williams and his associates, then members of the legislature, should have consented, four months after the reception of the charter, to an enactment so directly contrary both to the letter and spirit of one of its most essential provisions, for the establishment of which they had used such strenuous exertions. There is extant in a work of Roger Williams, printed in 1652, a full recognition of the religious rights of papists. If any doubt remained upon this question, it would be removed by the declaration of the Assembly in May, 1665, in answer to the king's commissioners, that equality of civil and religious rights had been "a principle set forth and maintained in this colony, from the very beginning thereof."

Whatever, then, may have been the occasion of subsequently inserting this clause of exclusion in the act of 1664, (and it seems probable that it was done to prove the loyalty of the colony in the contest between the Government and the Pretender to the throne of England,) it was suffered to remain in three editions of our statute book, as a part of the law of the land, for more than fifty years; and, as far as we can learn, unquestioned as such by any one. So flagrant a violation of the charter proves, conclusively, that the legislature then, as they did afterward, and do at present, considered and treated that instrument as if it were entirely subject to their control; and that they claimed and exercised an undefined power, similar to that of the English Parliament.

It ought to be added here, that what is called in the act to remove disabilities from Roman Catholics, the act of the 1st of March, 1663, is, in fact, the act of 1st of March, 1664. The commencement of the civil and legal year, it will be recollected, was anciently on the 25th of March; and was not altered to the 1st of January, in the British dominions, till the year 1751, by act of Parliament. The charter was granted in the *fifteenth* year of Charles II, (1663.) The act of 1663, above mentioned, is stated in the margin of the printed copy to be of the *sixteenth* year of Charles II, which of course was 1664. All laws passed before the 25th of March would be dated as of the year preceeding.

subjects. For thus daring to deny an unlimited and irresponsible power in the General Assembly, those judges were arraigned before that body, when they barely escaped being punished with dismissal from office. The conduct of the General Assembly in that instance comports well with the declaration made by one of the most prominent members of the House of Representatives, while standing in his place, viz: that the Legislature of Rhode Island was omnipotent. This declaration was made within the last twenty years, and cannot have escaped the recollection of many now living.

The General Assembly would not have proceeded as they did in the case just mentioned, had they not been emboldened by the charter, which leaves it in their power to make and unmake judges once a year, or oftener if they see fit. Is not this a capital defect? We shall have more to offer on this subject by and by.

What shall we say of an instrument of government which is uncertain enough to leave it to be made a question, whether, upon a failure to elect a governor and senators, the government itself fell through, and with it the legislative acts of the ensuing year, the titles to a large amount of property, and the proceedings and decisions of the courts? We shall say, if we are just to ourselves, that it should be forthwith dispensed with, and that a new one should be adopted by the people without delay.

The charter is further essentially defective in having affixed a certain representation to each town for all time to come; thus making no provision for the changes that might happen.

No form of a constitution can be worth much, which leaves to the representative servants of the people the power of determining the rights of the people as voters. The people ought always to do this for themselves, and not leave it to be done for them. Strange mistakes sometimes happen from this neglect; as in this State, where it has become necessary to ask *who the people are?* More on this subject in another place.

Who will say by what right the towns of North Kingstown and South Kingstown are singled out from the other towns in the State, by the act of June, 1722, and each entitled to a senator?

In May, 1778, the first senator having declined serving, the General Assembly *promoted* each of the other senators one degree higher, and *elected* a new tenth senator!!

Without citing any more examples, we appeal then to our fellow-citizens, and ask them whether there does not exist abundant reason for proclaiming what was expressed in one of the resolutions passed at the first session of the convention, namely: That the powers of the Legislature, and the rights of the citizen, should be defined and fixed by a written State constitution?

A subject of just complaint, and one which loudly calls for the corrective hand of a constitution, is the extreme *inequality of our representation*. This evil has been entailed upon us by our strange adherence to the charter of Charles II. This charter provides (as we have seen) that the towns in the State shall be represented by "not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other town." At the time the charter was granted, this was a fair and equal apportionment of representatives, according to the relative population of the several towns. But since that period, the relative population of our towns has so greatly changed, and so many small towns, entitled to two representatives each, have been incorporated, by dividing and sub-dividing larger ones, that the freemen of this State are now very unequally and unfairly represented in our State Legis-



ture. In order to show the extent of this inequality, we ask your attention to a few statements, which you will find fully supported by referring to the official returns of votes polled in each town at our recent elections, and by comparing the number of these votes with the number of representatives to which each town is entitled by the charter.

At the last spring election, the whole number of votes polled in all the towns in this State was 7,317. One third of this number is 2,439. Our House of Representatives consists of 72 members. 38 of these (being a majority of two members) were elected by 2,384 qualified freemen—less than one-third of the qualified freemen of the State who then voted. The remaining 34 members were, of course, elected by the remaining 4,933 freemen. The result is about the same at our other elections.

Half the freemen or (more properly speaking) qualified voters in the State, amount by the returns to 3,658. 51 representatives (being a majority of 15) are now elected by 3,637 voters—less than half the qualified voters in the State. The remaining 21 representatives are, of course, elected by the remaining 3,680 qualified voters.

By descending a little to particulars, we shall find instances of inequality still more unjust and indefensible. The town of Jamestown, for instance, sends one representative to every 18 freemen; while the town of Burrillville sends but one representative to every 113 freemen; the town of Foster but one representative to every 156 freemen; the town of Smithfield but one representative to every 206 freemen; and the city of Providence but one representative to every 275 freemen.

Thus our system supposes that one freeman of the town of Jamestown is entitled to as much political weight and importance as 6 freemen of the town of Burrillville, 8 of the town of Foster, 11 of the town of Smithfield, and 15 of the city of Providence. It consequently takes 6 freemen in Burrillville, 8 in Foster, 11 in Smithfield, and 15 in Providence, to equal one freeman of the town of Jamestown. The result will be very similar by comparing other small towns with larger ones.

An inequality of representation like this is too unjust to be much longer tolerated. It is not uncommon in the monarchies of Europe; but, with the single exception of Rhode Island, it is unknown in the United States. It was never intended by our venerable ancestors who procured the charter; and if Roger Williams were now to rise from his grave, there can be no doubt that such inequality would, of itself, induce him to take the lead of a political reformation.

If the number of representatives from each town be compared with the whole population of each town, the result will not materially differ from that to which we have arrived in considering the representation of qualified voters only.

The whole population of this State, according to the census of 1830, is 97,210. One-third of this number is 32,403. 31,308 (being less than one-third) are now represented by 38 members of the House of Representatives, being a majority of 2 in that body. The remaining 65,892 are, of course, represented by only 34 members.

Half the population of the State is just 48,605. 47,365 (being less than half the population) are now represented by 51 members of the House of Representatives—being a majority in that body of 15. The remaining 49,845 are, of course, represented by 21 members only.

Of the twelve most agricultural towns in the State, the six largest have

less than one-third the weight of representation in our Legislature that the six smallest have; yet this inequality is represented by some as a mere question of interest between the agricultural and manufacturing towns.

This inequality of representation has had the effect of placing the majority of the qualified voters in this State under the control of the minority. This is as certain as the fact that figures speak the truth. Now, who does not see that upon all questions in which the local interests of this minority are adverse to the local interests of the majority, they will unite against the majority? And who does not see that whenever they *do* so unite, they will control the majority? It is an odious feature of our present system, that it has given a local character to some of the most general and vitally important questions of legislation. What, for instance, can be more important than a just and equal apportionment of taxes? And yet our present system of representation has given a minority of the freemen both the interest and the power to perpetuate an unequal and unjust apportionment. What can be a more important object of legislation than to establish a just and equal representation of the people? Yet our present system has given to a minority of the freemen both the interest and the power to continue our present unequal and unjust representation. Our present system is at war with the prosperity of the State. Is not the contemplated accession of territory, wealth, and population from the State of Massachusetts important to our interests? Yet our present system has given to a minority of the freemen both the power and the local interest to defeat this accession.

Now, it is one of the essential parts of the definition of a republican government, or representative democracy, that it is *a government resulting from the will of the majority, ascertained by a just and equal representation*. Is that government, then, where the will of the majority is not ascertained by a just and equal representation, but where the will of the minority controls that of the majority, a republican government? Is it not, in effect, whatever may be its forms, an oligarchy—or the *rule of a few*? How, indeed, can we better define an oligarchy, than by calling it a government in which the less number, not by the power of virtue or talent, but by a political appointment, rule the greater? Whether this minority be a small or a large minority does not alter the principle. A large minority has no more right, on republican principles, to rule the majority, than a small one. Even a large minority, especially in a small State, is easily brought under the control of a few leading men. We have seen that, in this State, the legislative power is placed, by the inequality of our representation, in the hands of less than one-third part of the qualified voters. These elect a majority of the representatives. A few political managers, who give themselves to the business, have but little difficulty in managing such a minority in this small State, and in ruling the whole State as they please, against the will of *two-thirds of the freemen, and three-fourths of the people*. It is not strange, therefore, to find some men of all parties very unwilling to disturb the present order of things.

We by no means contend that representation ought to be proportioned to the amount of property represented, or to the amount of taxes paid. The citizen of small property, who pays a tax in proportion to his means, is as much entitled to a voice in the appropriation of that tax, though small in amount, as the most opulent man in the State. The same principle is applicable to towns and counties.

The true basis of representation undoubtedly is that adopted by the con-



stitution of the United States—*population*; for the representative represents not only the interests of the independent freemen, who are his immediate constituents, but also the interests of the whole population, who are dependent upon or connected with them; and property is so equally distributed among the people in our country, that the practical effect of adhering to this basis is, that those who pay the *expenses* of government will have a fair voice in the *measures* of government. We have seen that the relative changes in our population, and the incorporation of small towns, have combined to change this basis; and it is certainly an aggravation of this evil, that it has carried along with it an extravagant disproportion between our representation and taxation. This will be made perfectly evident by comparing our present ratio of representation with the act of the General Assembly passed in 1824, establishing a valuation of the ratable property in every town in the State as a rule of taxation. It will be found, by referring to that act, that the taxable property in the county of Providence amounts to \$1,650,000 more than all the taxable property in all the other counties in the State; and yet the county of Providence has considerably less than one-third of the representation which those counties have. It will also be found that the taxable property in six of the towns in this State amounts to about the same as the taxable property in the other twenty-five towns; yet these six towns elect but fourteen representatives, while the other towns elect the remaining fifty-eight representatives. It will also be found that some of our country towns pay *five*, others *six*, others *seven*, others *eight*, and others *nine* times the amount of taxes paid by other country towns having the same number of representatives as the former; and yet this subject has often been represented as a mere question of interest between town and country.

These statements prove that the portion of our people who pay the weight of the taxes are deprived of their fair numerical influence in the appropriation of these taxes. Is this just, fellow-citizens? Is it right? Will posterity believe that we are the sons of those men of Rhode Island who were foremost to shed their blood and expend their treasure in humbling the power of Great Britain, “for imposing taxes upon us without our consent?” Certainly those who pay the weight of the taxes are entitled to be equally represented, in proportion to their numbers, with those do not. This is all we ask for them. But, to crowd them down below the level of their equal rights with one hand, and to keep the other hand in their pockets, only because time and accident have given us the power to do so, is unworthy of the successors of Roger Williams,—unworthy of the land of Greene, Olney, and Perry!

Strange as it is, the State of Rhode Island, so far famed for *religious* liberty, seems to have become insensible to the claims of *political* liberty. It is the only State in this great republican confederacy in which the people have not limited the power of their legislature by a written constitution;—the only State in the Union in which the people suffer a fair and equal representation of their interests to be defeated by a *rotten borough system*, almost as odious as that which the subjects of the King of Great Britain have too much republican spirit to endure, and which they have lately, in a great degree, corrected by a parliamentary reform.

The remark of one of our own citizens is but too true—“that the great foundations of republican liberty and equality have virtually ceased to be the basis of the government of Rhode Island.” He might have added,



with equal truth, that "the evil is only to be remedied by a *constitution*—a constitution founded upon enlightened and just principles, and approbated and adopted by the voice of the people."

You have just seen that thirty-eight (two more than half of the representatives to the General Assembly) represent *less than one-third* of the population of the State, namely, thirty-one thousand three hundred and eighteen inhabitants; and, after adding that a majority of that number of inhabitants have no voice in the election of those representatives, it will be time for us to advance to the very important inquiry, whether the minority of a minority ought any longer to govern this State; or, whether there ought to be such an *extension of suffrage* as to include among the voters a majority of the people. And in prosecuting this inquiry, we have a just claim to your patient attention, even if our remarks should be protracted to a length in any degree proportioned to its great interest and magnitude. A question relating to the rights and disabilities of more than thirteen thousand\* of your fellow-citizens cannot be hastily and carelessly considered and dismissed, without such an imputation of indifference toward their feelings and claims, both in those who offer reasons, and in those to whom those reasons are addressed, as would be alike discreditable to our candor, justice, and patriotism.

We contend, then, *that a participation in the choice of those who make and administer laws, is a natural right, which cannot be abridged, nor suspended any farther than the greatest good of the greatest number imperatively requires.* And this greatest good is not that of any portion of the people, however large, but of the whole population of a State. It may seem strange that a fundamental truth like this, which contains the very life-blood and vitality of a republican government, should be called in question at the present day, and in our own country. But it is, nevertheless, true, that there are those who, while they yield a formal and guarded deference to this great doctrine, yet in their reasoning and practice destroy all the force of their hollow and doubtful admission; and maintain doctrines which, if followed out to their legitimate consequences, would justify almost any exercise of irresponsible and unjust power.

In order to comprehend more clearly the nature of the political right to partake in the choice of rulers, let us see, in the first place, how rulers came to exist. A nation, or State, is a collection of families, held in union by their consent to a form of government for the whole, either express or implied. This union, for purposes of defence, and for the security of previously existing rights of person and property, (founded on the great law of nature written in every man's heart,) takes place, of course, at the first settlement of a country. In the early and rude ages of the world, and to the present period among uncivilized people, personal strength, courage, and fortitude are the only recommendations to public favor; and the affairs of government are usually intrusted to men of war and prowess. In the course of time, the power thus delegated,—having become fixed in the

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The number of the white male citizens of this State, over the age of twenty-one years, according to the last census, exceeds twenty-three thousand. Tenthousand would be a very high estimate of the number of freemen—probably a thousand too large. But say there are ten thousand freemen in the State; it then becomes a matter of the utmost importance to examine a legislative provision, which excludes the whole of the remaining thirteen thousand and some hundreds from all political privileges.

hands of those who hold it, by means of military force ; or in other hands, like theirs, by conquest, with the aid of the long train of frauds and artifices which might enlist in its service against right all over the world,—was transmitted, like property, to their successors, who, under the names of chiefs, kings, and other appellations to designate the post of supremacy in a State, thenceforth became the established sovereigns of the different nations of the earth.

That the elective process, which has been described, is not the mere fiction of speculative writers, but actually took place at some remote period in the history of almost every country, (in the old world, for instance, in the progress of population westward, from its earliest seat in the east,) is rendered almost certain by what we know of the institutions of our remote progenitors in the forests of Germany, and by the laws and usages of government in some of the aboriginal tribes of this continent. It was adopted among ourselves by the pilgrim fathers, who, when they had passed beyond the execution of English laws, proceeded to form a plan of government, by mutual consent and natural suffrage, which was carried into effect upon their arrival at the rock of Plymouth. The proceedings of Roger Williams and his associates furnish another striking example ; and, if we are not greatly mistaken, the accurate history of some of our western settlements, at the early period when the hardy pioneers first buried themselves in the forest, beyond the reach of civilization and law, would elucidate this problem of the formation of government, and fully sustain the suggestions that have been offered.

As a general rule, then, government was first formed by the act and with the consent of those who were to be governed, given either expressly or by acquiescence. And what did government confer upon those who established it ? Here lies the radical error of those who contend that all political rights are the creatures of the political compact. Those reasoners will tell you about rights created by society. We wish to ask, previously, what those rights were which existed before political society itself. Those rights were the rights to life, to liberty, to property—in general, to the pursuit of happiness. Life was the gift of the common Maker of all ; and could not be taken, without committing the greatest act of injustice which one man can commit against another. Personal liberty, too—the right to walk abroad upon the face of the earth.—was another natural right. The bounties of nature were all, at the beginning, spread out before the human race for their sustenance and enjoyment ; and he who should appropriate the fruits of the earth to his own use—and more especially those with which he had mixed his own labor by the cultivation of the soil—had a just right to repel the invasion of him who should seek to dispossess him of what he had acquired. This was the natural right to property. Each individual also had the right of pursuing his own happiness in the way which he might prefer, provided he injured no man in the enjoyment of the same right. Another great personal right already alluded to, has been reserved for the last : *it is the right which every man, among the families by which nations were composed, had of giving or withholding his voice in every question relating to the union of those families in a form of government, and of removing from its jurisdiction if that union were formed against his consent.* The existence of *such* a natural right is too evident to be disputed ; and so far was it from being surrendered when government was once formed, that its continuance was absolutely necessary to maintain the ex-

istence of that government by the re-election of new magistrates when the terms of those first elected had expired. This right is the very *right of suffrage* which is the burden of our present inquiry, and which we call a natural right. *Political society could not confer that right or power upon its members by the exercise of which it first came into existence.* In other words, man, in the exercise of his natural rights, made government; and government did not give to man his rights. Why, then, it will be asked, was government established at all, if not to give rights? We will answer by saying that *the end of government was to make previously existing rights, conferred by the hand of God, more secure.* Where men live in families, as we have described, without laws, each man is the natural, and, in most cases, the sole protector of his own rights. If life, liberty, property, and happiness be threatened or invaded, each man is then obliged to defend himself against the aggressor, and victory will attend not upon the best right, but upon the strongest arm. The portion of land appropriated out of the common stock to individual uses will be liable to continual invasion. Individual happiness will be perpetually insecure. The right of suffrage, which we have shown to exist, but for which there is no use in this state of things, at last brings men of different families together, and they agree to certain laws, and upon certain magistrates to execute them; thus freeing themselves from the necessity of perpetual warfare individually against individuals, in private defence. This is government. It does not *give* rights, but it defines and defends them. Examine the most extensive collection of laws in existence, which has been gradually accumulating for ages, from the necessities of men in their various relations to each other, and which has been matured by the wisdom of the most enlightened legislators and judges, and you will not find one just law in the whole of it which is not designed to promote and protect some one of the great natural rights which existed before written law and political society itself. Government, then, being designed to accomplish a greater good for each man than he could single-handed secure to himself, the greatest good of the greatest number must be the everlasting criterion of all governments in all ages and parts of the world; and it is the duty of patriots and philanthropists, whenever this greatest good has been disregarded, in the abridgment or suspension of natural rights, to endeavor to bring back government to its original and just principles. The idea of surrendering natural liberty, in any proper sense of that word, upon entering into political society, in consideration of the benefits to be derived from it, is one of those preposterous fictions with which day-dreaming men have so long abused the easy credulity of mankind, and which despotic rulers most readily embrace, that they may, with a greater appearance of justice, enslave and oppress their fellow-creatures. A man, upon entering into political society, surrenders to the magistrate *the protection* of his rights, and not the *existence* of the rights themselves.

It is very common to attempt to make a distinction between the right of property, and the right to participate in political power, founded on the fact that the former is so much less interfered with by governments than the latter. From this fact the inference is drawn, that the former is a natural right, and the latter is not. The fact of interference is true, but the inference is not correct. A despotic government will, for its own sake, respect the rights of property; but will carefully suppress all political rights as coming in contact with itself. And yet various restraints on the holding



of property have prevailed, and now prevail, in different countries ; and the examination of them would be very much to our purpose if time permitted. The reason why an enlightened regard to the best good, interferes so much more with political rights than with the right to hold property, is found in the different directions which these rights take in their exercise. In acquiring property, a man directs his attention to the productions of nature and of industry, and to the various exchanges of them ; and the more who are at work in this way, the better for the public. The right of voting brings a man in contact with his fellow citizens in matters of right and interest, and controls the legislation by which the latter are protected ; and there will be a great many who are too ignorant to exercise it to the advantage of the whole.

It is also objected to the doctrine of a natural right of suffrage, that minors and females are excluded from political privileges. The first part of the objection, regarding minors, proves too much for the objectors ; for as the minor is debarred from the full enjoyment of the right of property also, until the age of twenty one years, it might be argued, with equal show of reason, that there is no natural right of property ; for which right the objectors strenuously contend. But the truth is, that the restriction upon minors does not conflict in the least with any natural right ; it acknowledges their rights, and only decides the period at which they shall commence and be exercised. This decision is not arbitrary, but founded on a just observation and experience of human nature and character. It is necessary, before the young man can enjoy any of his natural rights to his own advantage, or with safety to the general good, that he should be able to take care of his own interests, should have attained to some knowledge of himself, of affairs, of mankind, of the nature and operations of government. True it is that some are better qualified for political action at the age of eighteen, than others at the most mature and vigorous period of life. But, as a general rule, twenty one years are not too long a time to acquire the requisites for the full enjoyment of civil and political rights. If men were born into the world in the full possession of their physical, mental, and moral powers, without the necessity of development, exercise, and cultivation, then there might be some force in the objection which is offered. But as this is not the case, the rule of all civilized countries, which postpones a man's majority until he has attained the stature and capacity of a man, is founded on a just deference to the greatest good of the whole, without infringing upon individual rights. This rule is merely the continuation of a law of nature, enforced in the families of which we have spoken, before the formation of political society.

With regard to the exclusion of women from the exercise of political power, we are far enough from denying to them the possession of natural rights. It is well known that they formerly exercised the elective franchise in one of the States of this Union—New Jersey ; and now that they have ceased to do so, the suspension of their rights rests not upon any decree of mere force, but upon a just consideration of the best good of society, including that of the sex itself. Their own assent, it should be added, confirms this arrangement of their natural protectors ; and being fully aware that the dignity and purity of their sex, character and example, would be soon impaired in the conflicts of party strife, they have wisely consented to forego the nominal exercise of political power, and to rule mankind by the only absolute authority which is consistent with their greatest happi-

ness. There is only one criterion of this abridgment or suspension of the rights of our nature—to which we have frequently referred; and if the greatest good of the greatest number do not require the exclusion of women from our political assemblies, in accordance with the decision of those countries where they are most honored and esteemed, then is this exclusion unjust. The inquiry, in each case, is strictly a question of fact. Any other exclusion of individuals, or classes of persons, must be tried and decided by the same rule.

But to proceed: political liberty is not, then, as we hear it sometimes said, the after-growth of refined and cultivated ages, but it is the spontaneous offspring of a natural sense of right and justice; and though harsh in some of its features, in an uncivilized age, it may still vigorously exist, and even then contain within its rude forms the germs of those institutions which shall become the boast and the glory of subsequent and more enlightened generations. To him who studies the philosophy of history, it is a matter of surprise and pleasure to discover, in the government of the ancient Germans, the elements and principles of liberty which make the most valuable portion of the constitution of England, and which have been carried out and so greatly improved in our own admirable form of government.

If at all successful in our investigation, we have arrived at the conclusion, that government was designed for the protection and perpetuation of rights—not derived from itself, but natural and inherent—in such a way as to promote the greatest good of the whole: and that the question now before us is, not what right of suffrage the government ought to *grant* as a gift, but with what restrictions, required by this greatest good, suffrage may be *claimed* as a right by the people of this State. Is it consistent with this general good that the present landed qualification should be any longer continued as the exclusive condition of exercising the privilege of an elector?

As we are addressing republicans, who believe that a republican government is the only one which truly consults the rights and happiness of the people, if we should show that the present restriction is, in its operation, inconsistent with republican principles, then we shall secure the aid of all those who consistently hold those principles, in having this restriction removed.

While the general welfare is the great aim and object of the American plan of government, most of the governments of the old world are constructed and operate for the benefit of the few, at the expense of all the rest. The original principle of equality of suffrage at the formation of political society has been set entirely at naught; and you will see a despot whose remote ancestor was elected to the head of a state on account of his valor and achievements, now claiming to rule over their descendants by divine right, and to exclude them from political privileges. The effect of this kind of government, and of the artificial condition of society connected with it, is to place all the wealth and power of the country in the hands of the intelligent few; and, beyond the middle classes, at the other extremity of the body politic, to create a mass of poverty, ignorance, and degradation, which is incapacitated to participate, to its own good, in the government of the country, and unfit to accept of a better government if it should be offered. This is the most dreadful effect of a long-standing despotism. In such a state of society, where the vast majority are taught

to regard the few who rule them as a higher order of beings—are imbued with a feeling of entire servility, and have lost that of personal worth and independence—a true lover of his fellow men may well hesitate about the propriety and the safety of suddenly introducing a republican system, and making them voters all at once, without the preparatory process of education; since the good of the whole, including the oppressed themselves, might require their exclusion. Such a man, if in his heart a republican, would, notwithstanding his hesitation about immediate emancipation, still acknowledge their natural rights. He would feel that the poorest and most degraded subject of the most despotic monarch is yet a brother of the human race, and has within him the capacity of better things; that all who wear the form of humanity are entitled to the hopes and privileges of human nature. He would therefore be anxious to qualify the oppressed as soon as possible, and to raise them to the privilege of self-government. But whatever course a true patriot might feel himself bound to adopt in one of the corrupt monarchies of the old world, no such reason can be given for a postponement of political rights in our own country. No privileged orders have ever existed in it, to create the vast inequality which prevails elsewhere between the many and the few. A spirit of freedom was brought with them by our ancestors, and has ever subsisted among us. There is a very general diffusion of useful knowledge. The great majority, also, in this country, are interested in property of some sort or other; and are thus strictly bound together in interest to support the government. The only exception to this general equality is in the slave States, where a large part of the population is in a still lower condition than the degraded populace to which we have alluded. But be the case as it may in those States, there is no pretence of any such marked inequality among the citizens of New England, as to designate any particular class of them for exclusion from the benefit of political rights. The true American doctrine is, that the majority not only have a right to govern, but that they are sufficiently intelligent and honest to govern; and that, if there be any doubt about this sufficiency, we ought immediately to set to work and build more schools. Men in Europe, who are opposed to any further improvement in government, may talk about the necessity of “barring out the people,” and of “defending themselves against the people.” But this will not do here. He, therefore, who contends in New England for any limitation of political privileges that excludes a majority of his fellow-citizens from voting, whatever may be his party, or professions, or denunciation of other men on the score of republicanism, tells you, in effect, startled though he may be at the sound of the words, that he distrusts and is unfavorable to a republican form of government—that he wishes “to make it safe,” by confining all power to the minority, who will thus be able to protect themselves against the people. Protection against the people in this country! Any man strenuous for the present system, and who calls himself friendly also to popular rights, would do well to inquire for the definition of the word “people.” It includes, besides landholders, many more who are getting impatient for a new definition of the word, however its meaning may have been settled by long usage in this State. Depend upon it, fellow-citizens, that if the people of this country become ignorant and corrupt, our form of government will be changed, in spite of all the barriers of a landed qualification. While they continue intelligent, it is as unnecessary as it is unjust to bar out the ma-



majority. We will not use any flattering words about the intelligence of the people, as is too often done, because we would not encourage any self-satisfaction on this point. Those who now claim to be made voters in this State wish to see this intelligence greatly increased. They wish to see education taken out of the range of declamation, and made a matter of fact. They feel a confidence in the stability of our republican government, and that it would be treason to doubt it. Their reliance is on the effect of general education. They are anxious to see the means of a common education greatly increased in Rhode Island, and are ready to pay their proportion of it by a poll or other tax. They will fear nothing for the country so soon as but a small fraction of the population shall be unable to read, write, and cipher, and be uninstructed in the principles of common honesty. Let those among us who fear to extend suffrage, on account of the alleged ignorance of the applicants, lend their aid to introduce an improved and extended system of public schools. They will thus quiet their own scruples, and confer an incalculable benefit upon the State. This is the true, patriotic, republican course. We do not concede the name of republican to every one who uses it. He only is entitled to it, in our estimation, who prefers a republic above all other forms of government; who upholds it by his words and his example; who refuses its privileges to none who are fit for them; who seeks for its perpetuation in the increase of public virtue and intelligence. If anything be wanting to this definition of a republican, it will be supplied by the addition that he loves his country more than his party, however honest it may be.

Further, as political is the only safeguard of civil liberty—or, in other words, as a participation in the choice of those who make laws is the only security that those laws shall be just and equal in their operation—we ask, is the civil liberty of the majority protected as it ought to be in this State? “In countries,” says an English writer, “where a man is, by birth or fortune, excluded from offices, or from a power of voting for proper persons to fill them, that man, whatever be the form of government, or whatever civil liberty or power over his own actions he may have, has no power over those of another. He has no share of the government, and therefore has no political liberty at all. Every man has an absolute and unalienable right to civil liberty; and for the security of it, political liberty should be extended as widely as possible. *No man should be excluded from the exercise of it, excepting from circumstances of unavoidable necessity.* It may appear, at first sight, to be of little consequence whether persons in the common ranks of life enjoy any share of political liberty or not. But, without this, there cannot be that persuasion of security and independence which alone can encourage a man to make great exertions. A man who is sensible that he is at the disposal of others, over whose conduct he has no sort of control, has always some unknown evil to dread. He will be afraid of attracting the notice of his superiors, and must feel himself a mean and degraded being. But a sense of liberty, and a knowledge of the laws by which his conduct must be governed, with some degree of control over those who make and administer the laws, give him a constant feeling of his own importance, and lead him to indulge a free and manly turn of thinking, which will make him greatly superior to what he would have been under an arbitrary form of government.” This is the language of a foreign writer, the subject of a monarchical government. If it be sound and just

in its application to such a government, it has tenfold force in a country with institutions like our own. We see that a man may be civilly free, and politically a slave. An absolute despot may dispense wise laws to his subjects, and maintain them with impartiality. It is especially his interest to guard the right of property, since every addition to the national wealth adds to his own resources, and to the strength and splendor of his government. But there is no security for the continuance of this protection; and it is in the power of a despotic successor to overturn all previously established laws; to stop the general transfer of property, and to constitute himself, as the present sovereign of Egypt has done, the sole merchant in his own dominions. Of course, we do not mean to intimate that any similar gross abuse of power has ever been perpetrated in this State; but, before leaving this part of the subject, we would ask one practical question, namely—whether there has ever been any reason to suspect in our Legislature, chosen as it is, any tendency to lean toward this or that interest in the State, at the expense of others?

But not only is our present restrictive system opposed to the fundamental principles of a republican government, but it is in violation of the real intentions of those who founded our State, and procured the charter of Charles II. It was declared at the first session of the General Assembly, in the year 1647, that the government of the State should be a DEMOCRACY—that is to say, a RULE of the PEOPLE. That rule was perfectly consistent, at the foundation of the State, and long after, with a landed qualification. It was then in this State, as it is now in our newly-settled western States; he who did not own land, owned nothing. A man who goes to settle in Missouri, is a purchaser of land as a matter of course. If he be a mechanic, he must, nevertheless, before he exercises his trade, make a clearing and set up his log hut. A few dollars, for the payment of which he has credit, perhaps, will purchase a considerable estate. If a landed qualification were introduced into several of the western States, it would not much diminish the number of voters, who now vote upon a more extended plan. It was very much the same in the early days of Rhode Island. Landed property was not only the principal property of the citizens, but was so easily attainable, that a landed qualification for voters excluded only a small portion of the people from political power. But the condition of things has changed—the towns have changed; new interests have sprung up, and there are now great numbers of our most honest, industrious, and useful citizens, who own no land, but who contribute by their occupations, and by the payment of taxes to the extent of their means, their proportionate measure to the public welfare. Yet these men have no voice in the government which they contribute to support; being excluded upon the false notion that landed property is the only kind that is decisive of a man's intelligence and honesty. Look at the hardship of the case of a mechanic, for instance. He has received a common education; he has served as a journeyman, and is now about to commence business for himself with some small earnings of his own; his savings are only sufficient to procure the implements of his trade. After fairly starting in life on his own account, he becomes anxious to provide for himself a home. He marries; he hires a tenement; in the course of time he acquires more money, which his interest demands should be invested in the stock of his trade. He is fully able to purchase one hundred and thirty four dollars worth of land; but it is, in most cases, against

his interest to do so, until he can purchase a great deal more. In the mean time, he is debarred from the polls; and if he asks why, the answer must be that the non-freeholders are too ignorant or dishonest to be trusted in so important a matter as voting. This we believe is a fair statement of the case of hundreds of mechanics in this State; of exactly how many hundreds, we are not now able to say, but we hope to lay this information before you at some future time. The people of this State cannot be aware of the real operation of the present system, or they would long since have applied a corrective. Take some examples of the way in which this system works:

"In 1830 there were, in the town of North Providence, 779 male inhabitants over 21 years of age; of whom 200 were *freeholders*, leaving 579 *non-freeholders*. In 1832, 66 of the non-freeholders were taxed for about \$50,000 worth of property. The amount of their taxes was \$140. This tax was levied on those only who kept stores, or who were known to have property; while there were probably three times that number whose bank stock and other property amounted to as much more, unknown to the assessors. There are residing in Pawtucket *five* patriots of the Revolution, who have no voice in any of the affairs of the town or State."

"In Providence, 65 non-freeholders alone have lately paid a tax of 1,078 dollars; and 361, including the 65, a tax of 1,810 dollars." (Some eldest sons are included in this list.)

"In Cumberland, there are 210 tax-payers who have no vote. 280 persons voted at the last election in that town."

"In Warren, there are 136 freeholders, natives of this State, and 49 resident freeholders, natives of other States. In 1833, 79 non-freeholders were assessed \$156 42."

But this restriction is not merely burdensome upon traders and mechanics. How fare the younger sons of farmers? True, a sort of virtue is transmitted from the land owner, but it reaches no farther than the first-born son. We have but a word to say about that remnant of the right of primogeniture—the privilege of the eldest son to vote. If we had a franchise to give away, and the question was, which of the sons in the family should have it, there would be many good reasons for preferring the eldest. But the real question is, why either of the sons, or any other person, should be exempted from the general law of qualification, whatever it may be. No good reason has been, nor can be, given.

But the farmer himself does not escape the effect of the present law. Misfortune may overtake him, and he may be obliged to mortgage his estate—perhaps to some non-freeholder, who has accumulated his earnings, and has something to lend. The moment the mortgagee goes into possession, the farmer's former capacity and competency literally fall *to the ground*: he is no longer fit to be trusted with a vote; and the non freeholder, who was before not to be trusted, becomes all at once invested with the dignity and immunities of a freeman. But industry retrieves the farmer's losses, and he redeems his estate. His intelligence and trustworthiness return upon him by the magic of his title deed; and the hapless wight, who has thus been indulged with the brief fruition of political privileges, shrinks away, all at once, into his former insignificance. What does such a farmer think about suffrage?

Take the three professions of law, divinity, and medicine. The majori-



ty of lawyers,\* clergymen, and physicians,† as a body, certainly are not landholders; and yet we freely intrust our property, our consciences, and our lives to men who, the law says, are too ignorant and corrupt to vote for a constable! We feel a proper respect for the landholders of this State. A great part of this convention are landholders. We are happy to see that so much of the good old-fashioned spirit of the primitive times has been transmitted to our own, through the farming interest. But notwithstanding the just estimation in which we hold this interest,—that we should say, or believe, that *all* the intelligence, honesty, and patriotism in the State reside with them, is too much for their modesty to ask, or for our sense of justice to concede.

We see, then, that a landed qualification operates, at the present day, very differently from what it did in early times. If one of those ancestors who voted for “democracy,” in 1647, could speak to us from the tombs, would he counsel us to rescind that vote, and change the name,—or to correct that legislation by which it has become a dead letter? We can be at no loss for an answer to this question.

If we look at the charter, and the early laws relating to freemen, we shall see still more clearly how opposed the present law is to the true intention of our predecessors. The charter vests the election of freemen in the General Assembly, and *prescribes no qualification*. The company being a land company, with powers of government annexed, and having in view to improve and settle their territory as fast as possible, it would have been natural for them, independently of the reason that landed property was then almost the only property, to prefer such members as would take an interest in the cultivation of the soil. The company was empowered by the charter to transport to the colony, for its plantation and defence, such persons as might be willing to accompany them; and the emigrants became farmers, as a matter of course. The Assembly, therefore, in favorably regarding the agricultural interest, evidently had no political design; and practised no restriction, in the sense in which a landed requisite is one at the present

\* In October, 1718, it was enacted by the General Assembly, that no person should have “in any one cause above two attorneys;” and that one of them should be “a freeholder, a freeman, and an inhabitant in this colony.”

In October, 1729, an act was passed “restricting all lawyers from being chosen deputies (to the General Assembly) of any towns in this colony, during their practising the law.” It was repealed at the February session succeeding, having been found, as is stated in the preamble to the repealing act, “to be of ill consequence, and inconsistent with the right of his Majesty’s subjects in this colony.” A marvelous sense of justice!

It cannot be necessary to do more than allude to a more recent act of the Legislature, imposing a special tax on members of the legal profession; to a vote excluding them from seats at the bar of the House of Representatives; and to a vote depriving insolvent petitioners of the benefit of argument by counsel, upon the trial of their petitions.

† In October, 1748, a fine of 100 pounds, “for every such offence,” was imposed on any physician who should refuse or neglect to obey the orders of the Governor, and a list of other State and town officers, in their attempt to prevent the spreading of a contagious disease. On turning to a previous law (of 1743) to ascertain what could be required of a physician, it appears that the abovementioned officers might, at their pleasure, send him, or any other “suitable person” on board of an infected vessel, without any regard to his own inclination. Medical men, to their great honor, have, with rare exceptions, been ready, in all times of pestilence and calamity, to sacrifice their health and to risk their lives in the service of the public; and this compulsory process is unjust to their rights and character, and ill-suited to their feelings. The act does not specify whether any distinction shall be made between freeholders and non-freeholders in this case. The penalty has been changed from £100 to \$40; and now stands at that sum. We have had some strange laws in this “government.”

time. The requisite of admission was not made a political instrument till long after. There is reason to believe that they looked more to the fitness of the person proposed for admission, than to his property in land; though almost every decent person in those times was a land-owner of course. There were inhabitants not freemen; but their number must have been small. To show the sense of the Legislature on the subject of qualifications, we ask your attention to some of their acts.

The act of March, 1663-'4 declared "That all persons whatsoever, that are inhabitants within this colony, and admitted freemen of the same, shall and may have liberty to vote for the electing of all the general officers in this colony, &c.; as is expressed in the charter of the colony."

It also enacted "That no person shall be elected to the place of a deputy to sit in the General Assembly of this colony, but those that are freeholders therein, and freemen of the same."

In the same year it was farther declared "That all men professing christianity, and of competent estates,\* and of civil conversation, who acknowledge and are obedient to the civil magistrate, though of different judgments in religious affairs, (Roman Catholics only excepted,†) shall be admitted freemen," and be permitted to choose officers, and to be eligible to office.

No estate of any kind is required by the first act; and none of any fixed value by the last, to make a freeman. It probably varied, both in kind and quantity, with the opinion entertained by the Assembly of the applicant's character and demeanor. It is important to notice the distinction made between the electors and those who might be elected deputies to the General Assembly. The electors were to be freemen—admitted at first without any specified qualification, and next upon having "competent" estates;—the deputies must have estates in *land*—be freeholders *and* freemen.

The *act* of 1665 continues the qualification of "competent estates," without defining them. (Page 154 of old record.)

In 1666 it was enacted that the freemen of each town shall have "full power granted them to admit so many persons, inhabitants of their respective towns, freemen of their towns, as shall be by them adjudged *deserving* thereof." It was made the duty of the town clerks of all the towns, once a year, to send a list of all the freemen admitted in their respective towns to the General Assembly, the day before the election; and of the general recorder to enrol in the colony's book "such persons that shall be so returned, *and* admitted freemen of the colony."‡

The *desert* here spoken of must have been good character, and usefulness to the colony. The towns might, and no doubt did, consider some to be deserving of admission who owned no land, and others to be unfit who did.

It was enacted in 1724 that no person should be admitted a freeman, un-

\* Previously to the grant of the present charter, there was no other requisite for admission than that of "being found meet for the service of the body" politic—a body, by the way, into which our ancestors first incorporated themselves by natural and equal suffrage.

† See note to page 159.

‡ It appears that there was an intermediate step between the practice of electing freemen wholly by the General Assembly, and afterward wholly by the towns. This is more clearly explained in the manuscript Digest of 1719. The phraseology of the act of 1666 there varies greatly from that of the printed act. At pages 35 and 36, it is enacted "That every town, at their town meeting, hath power to make such men freemen of their towns as they shall judge may be *meet*, and may be serviceable to serve in the towns in town officers." The act goes on to say, that all such persons may then vote for town officers; and that after their names shall have been presented to the General Assembly, and they "pass by vote to allow them freemen of the colony," they may vote for general officers.

less he were a freeholder of lands, &c., of the value of 100 pounds, or to the value of 40 shillings a year; or *the eldest son* of such a freeholder; "any other act, *custom, or usage*, to the contrary hereof notwithstanding."

In 1730 it was enacted "That no person whatsoever shall be admitted a freeman of any town in this colony, unless he be a freeholder of lands, &c., to the value of 200 pounds, or 10 pounds per annum, or the eldest son of such a freeholder."

In 1742 it was further declared that no person shall be admitted to vote, but such only who, at the time of voting, are freemen, *and* possessed of land, &c., as above.

The preamble of the act of 1746 complains of the inroad of bribery and corruption into the colony; and gives, as the occasion of it, the manner of admitting freemen, which "is so lax, and their qualifications as to their estates *so very low*, that many persons are admitted, who are possessed of *little or no property*." The remedy of the evil (whether real or pretended) by the leading politicians to cover their design, we need not now inquire) consisted in raising the qualification to 400 *pounds* value, or 20 pounds rent per annum; without which, no one was "allowed to *vote* or *act* as a freeman."

The qualification of voters was changed again in 1762; and it was enacted that no person whatever should be permitted to vote, or act as a freeman, but such only as were possessed of a real estate of the value of 40 pounds, or which shall rent for 40 shillings per annum.

It is sufficiently evident, from this brief examination, that a freeman was not necessarily a freeholder; and that the mode of admitting freemen, previously to the act of 1721, (*which act, for the first time in the colony, established an exclusive freehold qualification,*) was entirely irregular; and the language used about its laxity, and the lowness of qualifications, and the allusion in the act of 1724 to "a custom or usage to the contrary" of what was then enacted, show that the restriction had been merely nominal. There is another important fact apparent from the acts raising the qualification to two and four hundred pounds, namely—that a distinction was thus made among the freemen themselves. All persons (previously freemen, or not, it made no difference) who did not come up to the sum of two and four hundred pounds, were, by these acts, deprived of their privileges. The acts of 1742, 1746, and 1762, directed not merely who should be admitted freemen in future, but also who should cease to act as such.\* This unmaking of freemen, or depriving them, without proof of crime, of everything but the mere name, was a clear violation of the spirit of the charter, and goes, in addition to the remarks already made upon the operation of that instrument, to show how little it was practically regarded in the business of legislation; and that the General Assembly then exercised, as now, an undefined power, similar to that of the Parliament of England. "If representatives of the people," it has been well said, "chosen for the ordinary purposes of legislation, could assume a control over this right. (the right of suffrage,) to limit, curtail, or extend it at will, they might disfranchise any portion they pleased of their own electors—might deprive them of the power ever to remove them; and thus reduce the government to a *permanent aristocracy*."

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\*Our statute-book, at the present day, does not prescribe, in direct terms, who shall be freemen, but who shall not vote or act as such. The law, on its very face, is an excluding rather than an enabling act.



The existing restriction on suffrage is, then, we think, clearly in opposition to the real intention of our ancestors, and to the spirit of the democracy which they established. We have already seen that it excludes many who pay taxes. It is further objectionable, because it occasions those taxes to be imposed without consent, and without any control of their expenditure. It was this same evil to which our fathers refused to submit, and which led to the revolutionary contest. It is still an evil, though visited upon a large portion of the people by their own fellow-citizens. If it were unjust for our forefathers to be taxed without representation, it is equally unjust for their descendants to be so taxed by their brethren, so long as they have no voice in determining either the quantity or appropriation. How, let it be asked, are the duties on those articles of foreign importation, which are consumed in this State, paid? By the body of the consumers, who consist as well of non freeholders as of the owners of the soil. The expenses of the General Government, as we well know, are paid without any resort to direct taxation. The non-freeholders pay their full proportion to government in the shape of duties, and yet they have no part in national affairs; because those only can vote for Representatives to Congress who are voters for members of the most popular branch of the State Legislature. And these voters are exclusively the owners of the soil. This injustice is so palpable, that we think it must extort the confession of all who give it a moment's attention. Ought it not to be remedied?

The objection that the non-freeholders, if admitted, will vote away the money of other people, comes with a very ill grace from those who are now voting away the money of these very non-freeholders without their consent.

The present system is also inconsistent with itself. It excludes intelligent and upright men from the polls, because their business is such that the possession of the requisite landed qualification is impracticable. And yet, in many instances, they are bound to the soil by a species of real property, consisting of houses, workshops, &c., built upon land leased to them for a term of years. A life estate entitles a man to vote; a lease for 99 years does not. Is this consistency?

Again: the present system of voting is opposed to the spirit of the constitution of the United States. That constitution contemplates no such distinction among the citizens as our law creates. It guaranties to each State a republican form of government, the very nature of which is to extend the right of voting to a majority of its citizens. If we venerate that instrument, why should we any longer withhold those privileges which it intends to confer?

Another objection to our law of restriction is, that it is opposed to the theory and practice of all the other States, with a single partial exception. In North Carolina a freehold is still required to vote for a Senator. This is now the only remaining State in which the right to vote for any officer is confined exclusively to landholders.

The following is a table of the qualifications of voters in all the States, derived from a careful examination of each of their constitutions:

*Maine.*—Citizenship of the United States, and three months' (next preceding) State residence. Untaxed Indians excluded.

*New Hampshire.*—Inhabitation and payment of taxes.

*Massachusetts.*—Citizenship: one year's State, and six months' (next preceding) town or district residence, and payment of taxes.

*Connecticut*.—Citizenship of the United States, and settlement in the State, with a freehold of seven dollars yearly value, and six months' (preceding) town residence; or, a year's performance of military duty; or, the payment of taxes, with good moral character. Blacks excluded.

*Vermont*.—One year's (next previous) residence, with quiet and peaceable behavior, and an oath to vote according to conscience "touching any matter that concerns the State."

*Rhode Island*.—Inhabitant in town where vote is offered, with real estate to the full value of 134 dollars, or which shall rent for 7 dollars per annum; or, being the eldest son of a freeholder, to the same amount. Voting, by writing name on back of ticket—same in effect as *viva voce*. Blacks excluded.

*New York*.—Citizenship, with one year's State, and six months' (next previous) town or county residence, and payment of a tax within the year preceding an election, unless exempted; or performance of military duty within that year, unless exempted; or, performance of labor upon the highways, (unless an equivalent has been paid) with three years' (next preceding) State, and one (the last) year's town or county residence. For men of color, three years' citizenship of the State, with a freehold of the value of 250 dollars, owned for one year preceding an election, and having paid a tax thereon.

*New Jersey*.—One year's (immediately preceding) county residence, and being worth 50 pounds proclamation money.

*Pennsylvania*.—Two years' (next previous) residence, and payment of a State or county tax, assessed at least six months before an election. Sons of voters allowed to vote between the ages of 21 and 22 years, without having paid taxes.

*Delaware*.—Citizenship, with one year's (next preceding) State and the last month's county residence, and payment of a tax assessed six months before an election. Citizens allowed to vote between the ages of 21 and 22 years, without having paid a tax. Blacks excluded.

*Maryland*.—Citizenship, with one year's State, and six months' (next preceding) county residence. Blacks excluded.

*Virginia*.—Citizenship and residence—with a freehold qualification, according to the former constitution—or, a freehold of the value of 25 dollars—or, a reversion in land of the value of 50 dollars—or, the occupancy of a leasehold estate, of a term originally not less than five years, at a rent of 20 dollars a year—or, lastly, having been a housekeeper and head of a family for 12 months next preceding, in the place where application is made to vote, and having paid a State tax within the preceding year. Voting *viva voce*. Blacks excluded.

*North Carolina*.—To vote for Senators, one year's (immediately preceding) residence in any one county, and a freehold, within the same county, of fifty acres of land, held for six months next previous, and at the day of election.—To vote for members of the House of Commons, one year's (immediately preceding) residence in any one county, and having paid public taxes.

*South Carolina*.—Citizenship and two years' State residence previous to the day of election, with a freehold of fifty acres of land, or a town lot, legally possessed at least six months previous,—or, without a freehold, having been a resident in the election district where the vote is offered six months previous. Blacks excluded.

*Georgia*.—Citizenship and inhabitance, with six months' county residence, and the payment of taxes, if assessed, for the year preceding an election. Voting *viva voce*.

*Ohio*.—A residence of one year next preceding an election, and being assessed to pay a State or county tax,—or, laboring on the roads. Blacks excluded.

*Kentucky*.—Citizenship, with two years' State, or one year's (next preceding) town or county residence. Voting *viva voce*. Blacks, mulattoes, and Indians excluded.

*Tennessee*.—Inhabitant in the State, and a freehold in the county where the vote is offered,—or, inhabitance in any one county six months immediately preceding the day of election.

*Mississippi*.—Citizenship of the United States, with one year's (next preceding) State, and the last six months' county or town residence, and enrolment in the militia,—or, having paid a State or county tax. Blacks excluded.

*Alabama*.—Citizenship of the United States, with one year's (next preceding) State, and the last three months' county or town residence. Blacks excluded.

*Louisiana*.—Citizenship of the United States, with one year's (next preceding) county residence, and the payment of a State tax within the last six months prior to the election. Blacks excluded.

*Indiana*.—Citizenship of the United States, with one year's (next preceding) residence, entitles to vote in the county where resident. Blacks excluded.

*Illinois*.—Residence in State for six months next preceding an election entitles to vote in the county or district where resident. Voting *viva voce*. Blacks excluded.

*Missouri*.—Citizenship of the United States, with one year's (the next before) State, and the last three months' county or district residence. Blacks excluded.

Those who call in question any natural right of suffrage, lay great stress upon the fact that in so many of these constitutions\* the qualifications of persons eligible to the offices of government are fixed much higher than those of the electors themselves. They say that therefore political rights are not self-subsistent, but are derived from an arbitrary appointment of the lawgiver. We do not consider any such distinction to be necessary in this State, nor do we contend for it; and it is a sufficient answer to the objectors to say, that where the distinction does exist, it was made by the people themselves, in their original, sovereign capacity. The constitutions of all the States proceeded from the great majority of the people, fairly represented in convention. These constitutions were laid before them for acceptance or rejection. They could and did define, limit, and settle their own rights as they saw fit. The fact above stated, so far then from proving anything against the rights of the people, proves another thing conclusively

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\* The States which have made landed property an indispensable requisite for the governor, senators, and representatives, are the following: New Hampshire, North Carolina, South Carolina, Tennessee, Louisiana, and Mississippi. In New York, the governor and senators; in New Jersey, the legislative councillors and representatives; in Virginia, the senators and representatives; and in Massachusetts and Georgia, the governors, must be landholders. In the remaining thirteen States, no property in land is exclusively required of any of the above-mentioned officers.



in favor of the people, namely,—that, in manifesting so much solicitude that all places of trust should be filled with those most competent to discharge their duties, and in thus foregoing an equal claim to them in all the voters, they have shown themselves the safe depository of political power, and eminently worthy of republican freedom and self-government.

We do not ask for a change here, merely because a restriction like ours has been abolished in other States, but because such a change is right. Still, the fact that twenty two out of twenty three of the other States have no such exclusive landed qualification as that now insisted upon in this, ought to go far in overcoming any doubts or scruples on the subject of an extension of suffrage. Are not the people of the other States our brethren? Are we not all bound together as one people, under the glorious constitution of the United States? Can the people of this State be expected to entertain any less liberal ideas of republican freedom and government than the vast majority of their brethren elsewhere, who are united to them in interest and feeling, and separated only by the outline of State boundaries? Such an expectation is unreasonable, and contradicted by all observation and experience. Are not the people of other States, who have adopted the plan of extension, as enlightened, as capable of understanding the greatest good of the whole, as much blessed with sound laws and the wise execution of them, as ourselves? Are we indebted to a landed suffrage for any decided superiority in our civil and social condition? Have we gone further than all others, in proportion to our means, in providing for public instruction and public charities? We are obliged reluctantly to admit the contrary. Not to pursue this part of our subject any further at present, let any man point to any one practical result in this State, which gives an advantage to a landed qualification for voters over that of the payment of taxes, and we shall be happy to give it a fair consideration, and allow to it all the weight to which it may be entitled.

One of the reasons offered in favor of a freehold qualification is, that it tends to a greater division of land, and to check the increase of great landed estates. Even admitting this to be true, the remedy is not wanted; for it has already been supplied by the statute of distributions. The right of primogeniture, as it respects property, has been done away. An equal division most commonly takes place at the death of a parent; and it is perfectly well known that the third, or fourth generation at most, in this country, scatters the greatest accumulation that the industry and economy of the ancestor is ever able to make. Property is divided and equalized in our country, to an extent never known in any other. And the interest in property of some kind or other, thus created in the majority of the people, is one reason, and a strong one, for believing that our form of government will be permanent. In no State, which has exchanged the landed for a tax qualification, has there been the slightest complaint of too great an accumulation of land in a few hands from this cause. The argument is evidently more for the benefit of the present suffrage law, than for the benefit of the people.

What, then, is the object of any property qualification at all for a voter? The only just object is *to raise a presumption of his honesty and intelligence*. Where this honesty and intelligence can be ascertained, independently of a particular qualification, there the necessity of it ceases. Men of all opinions readily say, in the discussion of the question of suffrage, We should be perfectly willing to let in all honest and intelligent persons to

vote, whether they have property or not, if we could only ascertain them. The man of substance is not admitted to vote, upon *any* property qualification which may be adopted, *because* he is a man of substance, but because his qualification raises the necessary presumption in his favor. If the law merely regarded the voter's substance, then the more substantial he might be, the more power should he have as a voter. If this were the spirit of a law relating to the elective right, then, to be consistent, we ought to go back to the plan adopted by one of the kings of ancient Rome, who divided the voters into classes and centuries, in such a way, that though each man had but one vote, yet the men of substance had the most centuries, and so controlled the elections. But how does property, or the ability to pay a tax, (which implies property, and amounts to the same thing,) raise an inference of a man's honesty and intelligence? Only in this way: if a man *inherit* property, the presumption is, judging by the natural feelings of men, that the parent who left it to him was able and willing to give him education enough to use it properly; if a man *have acquired* property, the presumption is, and must be, as a general rule, that industry and probity were exercised by him in so doing; and that the cares and relations, which property brings with it, have sharpened his faculties, and increased his natural intelligence. Now, all we ask is, that every man among us who can be fairly presumed to be honest and intelligent enough to exercise the privilege of a voter, consistently with the best good of our whole population, should be admitted to that privilege. And we propose such a qualification as will raise, in our condition of society, the presumption of honesty and intelligence; and if a certain minimum, or smallest sum, were fixed, so that every one who chose to pay a tax on not less than — dollars should become a voter, all pretence of objection on account of the supposed control the assessors of taxes might have over elections would be entirely removed.

A *strict registration* of voters we consider indispensable; and *voting by ballot*, so that it could not be known how the vote was given, would remove the objection of improper influence. We are very desirous to see it introduced.

The distinction proposed between the qualifications of the native and the naturalized citizen is founded on the principle already laid down, viz: that the abridgment or suspension of a political right to promote the greatest good of the greatest number, and for that purpose only, is the self-preserving law of a political society. The restriction places the foreign born citizen in a better condition than the present freeholder, as he is only required to have been once the owner of a freehold, for a certain length of time, to be determined by the framers of a constitution. The non-freeholders are willing and anxious to be tried by this law of the greatest good. The moment it can be shown that their claim of privilege is inconsistent with the greatest good of the whole community, they are willing to withdraw it. But let it be so shown.

It is a mistake in any to suppose that this restriction is at variance with any provision in the constitution of the United States. When the constitution says that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States," it does not mean that they shall carry their rights with them from one State to another, but that they shall accept of such as are provided in the State to which they have removed their residence, and be subject to all distinctions there established.

There are some who consider themselves as making a reply to the argu-

ments which have been offered, by affirming that "no one ought to interfere with the rules and usages of a land company!" What idea such persons can have of the nature of the government of this country, or of any government, it would not be easy to determine. "The rules and usages of a land company," both civil and political, must then prevail forever in Rhode Island, whether right or wrong. We hope to be able on all occasions to manifest a becoming resignation to the appointments of Divine Providence; but we have not any such respect for the decrees and ordinances of men, no better than ourselves, as to believe or admit that, in political affairs, "whatever is, is right." The "rules and usages of a land company" may be very convenient for those who hold power, and desire to keep it; but they have no recommendations of justice or policy to others who are kept out of possession of their proper share of that power, though they have a permanent interest in the State, and are not destitute of a patriotic attachment to their native land.\* The colonists of Rhode Island were indeed a land company; but they were endowed with political privileges, and have exercised the usual functions of government; and for what purpose government was made, and who ought to partake in it, we have already seen. The friends of reform do not ask, nor do they consider themselves answered by being informed, how old their government is. Their question is, whether it be right or wrong. If an attempt were made to get possession of the shares of a trading, banking, insurance, or, if you please, of a land company, without the payment of an equivalent, then there would be just reason for protesting against this invasion of chartered and vested rights. If such an attempt should be made, those who are aggrieved will find complete protection in the strong arm of the law.

We would ask of those who contend that everything should remain in this generation as it came to us from the preceding, one or two questions. Suppose that some eminent individual in England† had been employed to draw up a form of government for the colony of Rhode Island; and that, for the sake of conformity with the institutions of the mother country, he had introduced a provision into the charter to the effect that the offices of governor, deputy governor, and of the assistants, should forever be confined to the male descendants of Arnold, Williams, Olney, and the other persons who were named in the charter, to fill them for the first time. Suppose farther, that this hereditary Senate‡ had not been abolished at the Revolution, but that it had continued to our own time: would you now advocate it? And if so, might you not say that it was established by the original law of a "land company," confirmed by usage, and too venerable to be disturbed? If opposed to it, would you not say, however determined the Senators might be never to surrender their hereditary privileges, that there ought to be, and must be, some way of voting them down? To add one more question—

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\* It is a subject for reflection, that, while some of the descendants of the early settlers of the State have no vote in the places of their fathers any one may come in from abroad, and upon the purchase of real estate, and being propounded three months previously, may become a voter. We welcome strangers, but not to greater privileges than are enjoyed by the majority of our own citizens.

† The constitution prepared for the State of South Carolina by the celebrated Locke can hardly be deemed to have created any exception to the statement before made, that no privileged order of men had ever existed in this country; since, that constitution was found to be totally impracticable, and was abrogated in 1693, after a duration of only 23 years.

‡ It is one of the very remarkable features of our State government, that the Senate is the more popular branch of the Legislature.



what is the meaning of the clause in the constitution of the United States, which guaranties to each State a republican form of government? Is it not, that no constitution, law, nor usage of any State, however agreeable to the majority, shall ever be suffered to compel the submission of a minority to a form of government in any respect anti republican? If the minority in every State be thus taken care of, most assuredly any expression of the will of the majority, not inconsistent with the definition of a republic, will be recognised by the General Government.

It is a great mistake to say that the prescription in favor of the present order of things has never been disturbed. At about the commencement of the Revolution, the General Assembly manifested their sense of the necessity of some change, by the appointment of a committee to report upon a proper form of government for the State. No report, it is believed, was ever made. Other attempts, both for partial and general reform, have been unsuccessful; and the evils of the body politic have been suffered to accumulate.

But it ought to be borne in mind that no continuance of usage, or prescription however long, can impair or take away political rights from the people. From the ancient English maxim, "Time does not run against the king," erase the word "king," and insert "people," and you have a great and everlasting truth. No delay or acquiescence on their part can ever make it right to govern wrong, or to deprive any man of a voice in public affairs, who is sufficiently honest and intelligent to use it well.

We have seen that our existing freehold qualification for voters is inconsistent with a just regard to natural rights; that it is opposed to the principles of a republican government; to the real intentions of the founders of this State; to the declaration of American independence; to the spirit of the constitution of the United States; to the practice of all the other States but one; that it is inconsistent with itself, and unfair in its operation. Still farther: admitting, for argument's sake, (and God forbid that we should ever otherwise make the admission, so long as we retain any recollection of the declaration of independence, and of the principles, the acts, and the men of the Revolution!) that there are no natural rights, and that all political power and privilege proceeds from the government to the people, the present landed qualification is proved to be highly unnecessary and inexpedient. But there are many, who are capable of feeling the force of these objections, who will call them abstract and theoretical, and say that they want more facts. We want them too; and we ask these objectors to go along with us in the search—bearing in mind at the same time that, as the freehold restriction is in derogation of political rights, the burden of proving its necessity rests upon its advocates. We have come to the great *issue of fact*, which we now again tender to our fellow-citizens, and it is: Are those citizens who, by an extension of suffrage, would be admitted to vote, such a class of persons as are unfitted by their character to participate in the political privileges which they claim? We wish this question to be fairly met. Enough has been said, in vague and general terms, about "*unwholesome citizens*," "persons not to be *safely* trusted," "without property, and vicious;" about "protecting the *sound* part of the community against those who have nothing at stake in society," and "protecting the people against intruders and adventurers from other States." It is perfectly easy to make this general declamation, and it has its natural and designed effect upon too many minds. Let those who use this language come out and say, if they

will venture the assertion, *that the body of traders and mechanics, and professional men, and sons of landholders, are the base and corrupt persons who are aimed at in these sweeping denunciations.* No others can be meant. They are the men who unite with a large portion of the farming interest in demanding a reform. Shame, then, upon those defamers of their fellow citizens who, in the interested defence of a decrepid and tottering system, resort to this wanton and unmanly abuse and disparagement, which the daily business and intercourse of life prove to be wholly destitute of foundation in truth. We shall endeavor to show the people more in detail who these men are, who now claim the establishment of their just rights, and how many of them contribute by taxes to the public treasury. We invite you, fellow-citizens, to go along with us, and to aid us in the investigation.

But there is one charge made against the friends of reform, which ought not to be passed by without a more particular notice. It is said by some, that they are urging on a war against property, and stirring up the poor against the rich. Was there ever a more unfounded and ungenerous accusation? God forbid that we should ever fall so low as to be capable of resorting to this last and basest expedient of decayed and desperate politicians! *The poor against the rich!*—in a country where all interests and classes are combined and interwoven in mutual dependence, and rise and prosper, or decline and fall together. Does any one seek to take away any right from others, and to appropriate it anew? It will be time to throw out such a suggestion when it is made to appear that an attempt to obtain the exercise of his own rights is robbery from other people, and not till then.

The subject of the JUDICIARY, though last in the order of consideration, is not the least in magnitude and importance. In introducing this subject, it is proper to state a single fact, and we believe that no comment is required. The fact is this: that, while the most numerous portion of the present free-men are averse to any change in the judiciary, those who are now excluded from the polls are in favor of it.

The improvement of our courts of law will be an essential provision in any constitution that may be hereafter planned for this State. Independence in the judge, is essential both to the formation of the best judicial character, and to the best administration of justice. A judge should sit serenely *above* all the storms of political strife, that he may rightly divide the justice of the law between man and man; he should have nothing to hope from party ascendancy, and nothing to fear from the fall of political friends. A judge, however honest he may be, is in great danger of having his impartiality called in question in deciding a case, or instructing a jury, when one of the litigants has been recently placed shoulder to shoulder with him in a warm contest for victory. The public good cannot be properly consulted whenever less attention is paid to the qualifications of men to sit and decide as judges, than to services rendered to the appointing power.

The necessity of a well-defined and independent judiciary is more fully appreciated when we remember that the Legislature of this State in many instances act as a court of justice. Under their oath of office as legislators, they assume the responsibility of judges. They, in fact, legislate concerning particular facts, upon rules and principles unknown to the common law. If they can do so in one instance, they may do so in others.\* They may

\* The practice of appointing special judges for particular cases, which has existed in this State, is highly improper and dangerous.

dispense with that palladium of liberty—the trial by jury—and erect themselves into a tribunal to decide both upon the law and the facts.

If there be any one sight more unpleasant than another, it is that of a political judge acting alternately as an administrator of the laws and the manager of a party; and yet the fault is all your own. You drive him to the necessity of management, in order to retain a place which is opened once a year to new competitors.

A court appointed during good behavior, and receiving a fixed and competent support, is indispensably necessary as the sheet-anchor of a constitution. It affords a constant barrier against encroachments of the legislative and executive powers, either upon the boundaries of each other, or upon the rights of the citizen. So far from admitting that the acts of the Legislature could not be called in question, it would be the arbitrator between the people and their representatives; between those who make laws, and those who are called on to submit to them. The poorest possible of all economy is that which places the salaries of judges, and law officers generally, so low, that few men of the first rate qualifications can be induced to abandon the superior emoluments of private practice. The money which is annually expended upon protracted litigation in this State, greatly exceeds the amount of the most liberal salaries that could ever be desired for our courts. This loss to the people is never taken into the account in estimating the cost of cheap justice. In 1729, the judges of the court of common pleas in this State were appointed during good behavior. The act regulating their term of appointment was repealed four years after, in 1733;\* and they were afterwards chosen annually. We want a fundamental law, which shall place their term of office out of the reach of everybody but the power that makes and unmakes constitutions. If you object to independent courts on account of the cost, the non freeholders would be glad to pay their part of a poll, or other tax, large enough to support both the courts and the schools.

We have spoken to you, fellow citizens, of the nature of fundamental laws, or constitutions, and of the source whence they are properly derived; of the history, operation, and defects of the present charter; of the great inequality and injustice in the apportionment of our representation; of the duty of extending the privilege of voters to all our fellow-citizens who are qualified to partake in it, consistently with the general good; of the vital necessity of an independent and permanent judiciary. Have we, or have we not, shown you that there is something radically wrong in the political institutions of Rhode Island? and if so, does it not follow, as an irresistible conclusion, that all political measures, designed and properly tending to produce a complete and effectual change, without any further delay, are right, expedient, and entitled to your strong and cordial support? A constitutional party in this State, if it proceed upon open and fair grounds, directly and resolutely to its end, is most emphatically the *Commonwealth's party*. It has a right to expect the adherence of the older portion of our citizens, whose duty it is to transmit to their successors not merely what they have received, but all those additional improvements which the wisdom of age and of political experience has been able to suggest; it chal-

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\* The reason given in the preamble of the act of repeal is, that the law of 1729 is "found very inconsistent with the constitution of this government, and contrary to the same." An independent judiciary is truly inconsistent with an arbitrary legislature. But any incongruity of this sort may be easily corrected, by fixing a proper limitation of legislative powers.



lenges the best energies and the most active co operation of the younger men. Every motive of duty and of patriotism calls upon them to range themselves on the constitutional side, and to aid us in making our government more suitable to the condition, and more "meet for the service of the body" politic. As they successively come forth to refresh the life blood of the political system, let them be found among the friends of justice and reformation. We shall make the best return of gratitude to the memory of our venerated ancestors, not by forever retaining the long established and present condition of our inheritance, but by proceeding, with some portion of their spirit, to do what they would do, if now within the range of human affairs and interests, to make it more worthy of the citizens of a free country. In the language of the illustrious author of the declaration of independence, "It is not only the right, but the duty, of those now on the stage of action, to change the laws and institutions of government, to keep pace with the progress of knowledge, the light of science, and the amelioration of the condition of society. Nothing is to be considered unchangeable, but the inherent and unalienable rights of man."

Without stopping to recapitulate more minutely the different topics and arguments of this address, we now commend them to your earnest attention and deliberate judgment, with confidence as to the result. We have endeavored to speak plainly and distinctly. But, if there should remain any doubt in your minds respecting any subject, or part of a subject, which has been considered, we shall be ready to make any explanations that may be desired. We ask you to call together, by your representatives, a convention which shall represent the people at large, and prepare for us a liberal and permanent constitution. We wish to proceed in the usual course of our brethren in other States; and that the same Legislature which has imposed on the citizens of Rhode Island a landed qualification not spoken of in the charter, has at least as much right to suspend it, for the single purpose of facilitating the exercise by the people of the great, original right of sovereignty in the formation of a constitution, we cannot for a moment doubt.

We wait your decision. Let it be worthy of republican freemen.

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No. 5.—(A.)

*Proposed constitution of the State of Rhode Island and Providence Plantations, as finally adopted by the people's convention, assembled at Providence on the 18th day of November, 1841.*

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for his blessing vouchsafed to the "lively experiment" of religious and political freedom here "held forth" by our venerated ancestors, and earnestly imploring the favor of his gracious providence towards this our attempt to secure upon a permanent foundation the advantages of well ordered and rational liberty, and to enlarge and transmit to our successors the inheritance that we have received, do ordain and establish the following constitution of government for this State.

## ARTICLE I.

*Declaration of principles and rights.*

1. In the spirit and in the words of Roger Williams, the illustrious founder of this State, and of his venerated associates, we declare "that this government shall be a democracy," or government of the people, "by the major consent" of the same "only in civil things." The will of the people shall be expressed by representatives freely chosen, and returning at fixed periods to their constituents. This State shall be, and forever remain, as in the design of its founder, sacred to "soul liberty," to the rights of conscience, to freedom of thought, of expression, and of action, as hereinafter set forth and secured.

2. All men are created free and equal, and are endowed by their Creator with certain natural, inherent, and inalienable rights; among which are life, liberty, the acquisition of property, and the pursuit of happiness. Government cannot create or bestow these rights, which are the gift of God; but it is instituted for the stronger and surer defence of the same, that men may safely enjoy the rights of life and liberty, securely possess and transmit property, and, so far as laws avail, may be successful in the pursuit of happiness.

3. All political power and sovereignty are originally vested in, and of right belong to, the people. All free governments are founded in their authority, and are established for the greatest good of the whole number. The people have therefore an unalienable and indefeasible right, in their original, sovereign, and unlimited capacity, to ordain and institute government, and in the same capacity to alter, reform, or totally change the same, whenever their safety or happiness requires.

4. No favor or disfavor ought to be shown in legislation toward any man, or party, or society or religious denomination. The laws should be made not for the good of the few, but of the many; and the burdens of the State ought to be fairly distributed among its citizens.

5. The diffusion of useful knowledge, and the cultivation of a sound morality in the fear of God, being of the first importance in a republican State, and indispensable to the maintenance of its liberty, it shall be an imperative duty of the Legislature to promote the establishment of free schools, and to assist in the support of public education.

6. Every person in this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be done to his rights of person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

7. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on complaint in writing upon probable cause, supported by oath or affirmation, and describing as nearly as may be the place to be searched, and the person or things to be seized.

8. No person shall be held to answer to a capital or other infamous charge, unless on indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be tried, after an acquittal, for the same crime or offence.

9. Every man being presumed to be innocent until pronounced guilty

by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all punishments ought to be proportioned to the offence.

11. All prisoners shall be bailable upon sufficient surety, unless for capital offences, when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety shall require it.

12. In all criminal prosecutions, the accused shall have the privilege of a speedy and public trial, by an impartial jury; be informed of the nature and cause of the accusation; be confronted with the witnesses against him; have compulsory process to obtain them in his favor, and at the public expense, when necessary; have the assistance of counsel in his defence, and be at liberty to speak for himself. Nor shall he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

13. The right of trial by jury shall remain inviolate, and in all criminal cases the jury shall judge both of the law and of the facts.

14. Any person in this State, who may be claimed to be held to labor or service, under the laws of any other State, Territory, or District, shall be entitled to a jury trial, to ascertain the validity of such claim.

15. No man in a court of common law shall be required to criminate himself.

16. Retrospective laws, civil and criminal, are unjust and oppressive, and shall not be made.

17. The people have a right to assemble in a peaceable manner, without molestation or restraint, to consult upon the public welfare; a right to give instructions to their Senators and Representatives; and a right to apply to those invested with the powers of government for redress of grievances, for the repeal of injurious laws, for the correction of faults of administration, and for all other purposes.

18. The liberty of the press being essential to the security of freedom in a State, any citizen may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, spoken from good motives, and for justifiable ends, shall be a sufficient defence to the person charged.

19. Private property shall not be taken for public uses without just compensation, nor unless the public good require it; nor under any circumstances, until compensation shall have been made, if required.

20. The military shall always be held in strict subordination to the civil authority.

21. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

22. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerated ancestors in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil State may stand, and be best maintained, with full liberty in religious concerns: We therefore DECLARE that no man shall be compelled to frequent or support any religious



worship, place, or ministry whatsoever, nor be enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer, on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and that the same shall in nowise diminish, enlarge, or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

23. No witness shall be called in question before the Legislature, nor in any court of this State, nor before any magistrate or other person authorized to administer an oath or affirmation, for his or her religious belief, or opinions, or any part thereof; and no objection to a witness, on the ground of his or her religious opinions, shall be entertained or received.

24. The citizens shall continue to enjoy and freely exercise all the rights of fishery, and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State.

25. The enumeration of the foregoing rights shall not be construed to impair nor deny others retained by the people.

## ARTICLE II.

### *Of electors and the right of suffrage.*

1. Every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in any town, city, or district of the same for six months, next preceding the election at which he offers to vote, shall be an elector of all officers who are elected, or may hereafter be made eligible by the people. But persons in the military, naval, or marine service of the United States, shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place in any town or city in this State.

2. Paupers and persons under guardianship, insane, or lunatic, are excluded from the electoral right; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime, and shall not be restored unless by an act of the General Assembly.

3. No person who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do military duty; provided that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.

4. No elector who is not possessed of, and assessed for, ratable property in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected or refused to pay any tax assessed upon him, in any town, city, or district, for one year preceding the town, city, ward, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of any public moneys in such town, city, or district, until the same be paid.

5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the people, except town or city

officers, shall be by ballot; that is to say, by depositing a written or printed ticket in the ballot-box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this constitution; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot-box; for the preservation of the purity of elections; and for the safekeeping and accurate counting of the votes; to the end that the will of the people may be freely and fully expressed, truly ascertained, and effectually exerted, without intimidation, suppression, or unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the people, who does not possess the qualifications of an elector.

#### ARTICLE III.

##### *Of the distribution of powers.*

1. The powers of the government shall be distributed into three departments—the legislative, the executive, and the judicial.

2. No person or persons connected with one of these departments shall exercise any of the powers belonging to either of the others, except in cases herein directed or permitted.

#### ARTICLE IV.

##### *Of the legislative department.*

1. The legislative power shall be vested in two distinct Houses: the one to be called the House of Representatives, the other the Senate, and both together the General Assembly. The concurrent votes of the two Houses shall be necessary to the enactment of laws; and the style of their laws shall be: Be it enacted by the General Assembly, as follows.

2. No member of the General Assembly shall be eligible to any civil office under the authority of the State, during the term for which he shall have been elected.

3. If any Representative, or Senator, in the General Assembly of this State, shall be appointed to any office under the Government of the United States, and shall accept the same, after his election as such Senator or Representative, his seat shall thereby become vacant.

4. Any person who holds an office under the Government of the United States may be elected a member of the General Assembly, and may hold his seat therein, if, at the time of his taking his seat, he shall have resigned said office, and shall declare the same on oath, or affirmation, if required.

5. No member of the General Assembly shall take any fees, be of counsel

or act as advocate in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof.

6. Each House shall judge of the election and qualifications of its members; and a majority of all the members of each House, whom the towns and senatorial districts are entitled to elect, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may have previously prescribed.

7. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but not a second time for the same cause.

8. Each House shall keep a journal of its proceedings, and publish the same when required by one-fifth of its members. The yeas and nays of the members of either House shall, at the desire of any five members present, be entered on the journal.

9. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that at which the General Assembly is holding its session.

10. The Senators and Representatives shall, in all cases of civil process, be privileged from arrest during the session of the General Assembly, and for two days before the commencement, and two days after the termination of any session thereof. For any speech in debate in either House, no member shall be called in question in any other place.

11. The civil and military officers, heretofore elected in grand committee, shall hereafter be elected annually by the General Assembly, in joint committee, composed of the two Houses of the General Assembly, excepting as is otherwise provided in this constitution; and excepting the captains and subalterns of the militia, who shall be elected by the ballots of the members composing their respective companies, in such manner as the General Assembly may prescribe; and such officers, so elected, shall be approved of and commissioned by the Governor, who shall determine their rank; and, if said companies shall neglect or refuse to make such elections, after being duly notified, then the Governor shall appoint suitable persons to fill such offices.

12. Every bill and every resolution requiring the concurrence of the two Houses, (votes of adjournment excepted,) which shall have passed both Houses of the General Assembly, shall be presented to the Governor for his revision. If he approve of it, he shall sign and transmit the same to the Secretary of State; but, if not, he shall return it to the House in which it shall have originated, with his objections thereto, which shall be entered at large on their journal. The House shall then proceed to reconsider the bill; and if, after such reconsideration, that House shall pass it by a majority of all the members elected, it shall be sent with the objections to the other House, which shall also reconsider it; and, if approved by that House, by a majority of all the members elected, it shall become a law. If the bill shall not be returned by the Governor within forty-eight hours (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return; in which case, it shall not be a law.

13. There shall be two sessions of the General Assembly in every year;



one session to be held at Newport, on the first Tuesday of June, for the organization of the government, the election of officers, and for other business; and one other session on the first Tuesday of January, to be held at Providence, in the first year after the adoption of this constitution, and in every second year thereafter. In the intermediate years, the January session shall be forever hereafter held in the counties of Washington, Kent, or Bristol, as the General Assembly may determine before their adjournment in June.

## ARTICLE V.

*Of the House of Representatives.*

1. The House of Representatives shall consist of members chosen by the electors in the several towns and cities, in their respective town and ward meetings, annually.

2. The towns and cities shall severally be entitled to elect members according to the apportionment which follows, viz: Newport to elect five; Warwick four; Smithfield five; Cumberland, North Providence, and Scituate, three; Portsmouth, Westerly, New Shoreham, North Kingstown, South Kingstown, East Greenwich, Glocester, West Greenwich, Coventry, Exeter, Bristol, Tiverton, Little Compton, Warren, Richmond, Cranston, Charlestown, Hopkinton, Johnston, Foster, and Burrillville, to elect two; and Jamestown, Middletown, and Barrington, to elect one.

3. In the city of Providence, there shall be six representative districts, which shall be the six wards of said city; and the electors resident in said districts, for the term of three months next preceding the election at which they offer to vote, shall be entitled to elect two Representatives for each district.

4. The General Assembly, in case of great inequality in the population of the wards of the city of Providence, may cause the boundaries of the six representative districts therein to be so altered as to include in each district, as nearly as may be, an equal number of inhabitants.

5. The House of Representatives shall have authority to elect their own Speaker, clerks, and other officers. The oath of office shall be administered to the Speaker by the Secretary of State, or, in his absence, by the Attorney General.

6. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

## ARTICLE VI.

*Of the Senate.*

1. The State shall be divided into twelve senatorial districts; and each district shall be entitled to one Senator, who shall be annually chosen by the electors in his district.

2. The first, second, and third representative districts in the city of Providence, shall constitute the first senatorial district; the fourth, fifth, and sixth representative districts in said city, the second district; the town of Smithfield, the third district; the towns of North Providence and Cumberland, the fourth district; the towns of Scituate, Glocester, Burrillville, and Johnston, the fifth district; the towns of Warwick and Cranston, the

sixth district; the towns of East Greenwich, West Greenwich, Coventry, and Foster, the seventh district; the towns of Newport, Jamestown, and New Shoreham, the eighth district; the towns of Portsmouth, Middletown, Tiverton, and Little Compton, the ninth district; the towns of North Kingstown and South Kingstown, the tenth district; the towns of Westerly, Charlestown, Exeter, Richmond, and Hopkinton, the eleventh district; the towns of Bristol, Warren, and Barrington, the twelfth district.

3. The Lieutenant Governor shall be, by virtue of his office, President of the Senate; and shall have a right, in case of an equal division, to vote in the same; and also to vote in joint committee of the two Houses.

4. When the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members President of the same.

5. Vacancies in the Senate, occasioned by death, resignation, or otherwise, may be filled by a new election.

6. The Secretary of State shall be, by virtue of his office, Secretary of the Senate.

#### ARTICLE VII.

##### *Of impeachments.*

1. The House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate; and when sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted, except by a vote of two-thirds of the members elected. When the Governor is impeached, the chief justice of the supreme court shall preside, with a casting vote in all preliminary questions.

3. The Governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments, in such cases, shall not extend further than to removal from office. The party convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

#### ARTICLE VIII.

##### *Of the executive department.*

1. The chief executive power of this State shall be vested in a Governor, who shall be chosen by the electors, and shall hold his office for one year, and until his successor be duly qualified.

2. No person holding any office or place under the United States, this State, any other of the United States, or any foreign power, shall exercise the office of Governor.

3. He shall take care that the laws are faithfully executed.

4. He shall be commander in chief of the military and naval forces of the State, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State, without their consent, or that of the General Assembly, unless it shall become necessary in order to march or transport them from one part of the State to another, for the defence thereof.

5. He shall appoint all civil and military officers whose appointment is not by this constitution, or shall not by law, be otherwise provided for.

6. He shall, from time to time, inform the General Assembly of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

7. He may require from any military officer, or any officer in the executive department, information upon any subject relating to the duties of his office.

8. He shall have power to remit forfeitures and penalties, and to grant reprieves, commutation of punishments, and pardons after conviction, except in cases of impeachment.

9. The Governor shall, at stated times, receive for his services a compensation which shall not be increased nor diminished during his continuance in office.

10. There shall be elected, in the same manner as is provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same term of time. Whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the Lieutenant Governor shall exercise the office of Governor until another Governor shall be duly qualified.

11. Whenever the offices of Governor and Lieutenant Governor shall both become vacant, by death, resignation, removal from office, or otherwise, the President of the Senate shall exercise the office of Governor until a Governor be duly qualified; and should such vacancies occur during a recess of the General Assembly, and there be no President of the Senate, the Secretary of State shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor.

12. Whenever the Lieutenant Governor or President of the Senate shall exercise the office of Governor, he shall receive the compensation of Governor only; and his duties as President of the Senate shall cease while he shall continue to act as Governor; and the Senate shall fill the vacancy by an election from their own body.

13. In case of a disagreement between the two Houses of the General Assembly respecting the time or place of adjournment, the person exercising the office of Governor may adjourn them to such time or place as he shall think proper; provided that the time of adjournment shall not be extended beyond the first day of the next stated session.

14. The person exercising the office of Governor may, in cases of special necessity, convene the General Assembly at any town or city in this State, at any other time than hereinbefore provided. And, in case of danger from the prevalence of epidemic or contagious diseases, or from other circumstances, in the place in which the General Assembly are next to meet, he may, by proclamation, convene the Assembly at any other place within the State.

15. A Secretary of State, a General Treasurer, and an Attorney General, shall also be chosen annually, in the same manner, and for the same time, as is herein provided respecting the Governor. The duties of these officers shall be the same as are now, or may hereafter be, prescribed by law. Should there be a failure to choose either of them, or should a vacancy occur in either of their offices, the General Assembly shall fill the place by an election in joint committee.

16. The electors in each county shall, at the annual elections, vote for an inhabitant of the county to be sheriff of said county, for one year, and until a successor be duly qualified. In case no person shall have a ma-



majority of the electoral votes of his county for sheriff, the General Assembly, in joint committee, shall elect a sheriff from the two candidates who shall have the greatest number of votes in such county.

17. All commissions shall be in the name of the State of Rhode Island and Providence Plantations, sealed with the seal of the State, and attested by the Secretary.

#### ARTICLE IX.

##### *General provisions.*

1. This constitution shall be the supreme law of the State; and all laws contrary to, or inconsistent with the same, which may be passed by the General Assembly, shall be null and void.

2. The General Assembly shall pass all necessary laws for carrying this constitution into effect.

3. The judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to the due observance of this constitution, and of the constitution of the United States.

4. No jurisdiction shall, hereafter, be entertained by the General Assembly in cases of insolvency, divorce, sale of real estate of minors, or appeal from judicial decisions, nor in any other matters appertaining to the jurisdiction of judges and courts of law. But the General Assembly shall confer upon the courts of the State all necessary powers for affording relief in the cases herein named; and the General Assembly shall exercise all other jurisdiction and authority which they have heretofore entertained, and which is not prohibited by, nor repugnant to, this constitution.

5. The General Assembly shall, from time to time, cause estimates to be made of the ratable property of the State, in order to the equitable apportionment of State taxes.

6. Whenever a direct tax is laid by the State, one-sixth part thereof shall be assessed on the polls of the qualified electors: provided that the tax on a poll shall never exceed the sum of fifty cents; and that all persons who actually perform military duty, or duty in the fire department, shall be exempted from said poll-tax.

7. The General Assembly shall have no power hereafter to incur State debts to an amount exceeding the sum of fifty thousand dollars, except in time of war, or in case of invasion, without the express consent of the people. Every proposition for such increase shall be submitted to the electors at the next annual election, or on some day to be set apart for that purpose; and shall not be farther entertained by the General Assembly, unless it receive the votes of a majority of all the persons voting. This section shall not be construed to refer to any money that now is, or hereafter may be, deposited with this State by the General Government.

8. The assent of two-thirds of the members elected to each House of the General Assembly shall be requisite to every bill appropriating the public moneys, or property, for local or private purposes; or for creating, continuing, altering, or renewing any body politic or corporate, banking corporations excepted.

9. Hereafter, when any bill creating, continuing, altering, or renewing any banking corporation, authorized to issue its promissory notes for circulation, shall pass the two Houses of the General Assembly, instead of being

sent to the Governor, it shall be referred to the electors for their consideration, at the next annual election, or on some day to be set apart for that purpose, with printed tickets containing the question—Shall said bill (with a brief description thereof) be approved, or not? and if a majority of the electors voting shall vote to approve said bill, it shall become a law; otherwise not.

10. All grants of incorporation shall be subject to future acts of the General Assembly, in amendment or repeal thereof, or in anywise affecting the same; and this provision shall be inserted in all acts of incorporation hereafter granted.

11. The General Assembly shall exercise, as heretofore, a visitatorial power over corporations. Three bank commissioners shall be chosen at the June session for one year, to carry out the powers of the General Assembly in this respect. And commissioners for the visitation of other corporations, as the General Assembly may deem expedient, shall be chosen at the June session, for the same term of office.

12. No city council, or other government, in any city, shall have power to vote any tax upon the inhabitants thereof, excepting the amount necessary to meet the ordinary public expenses in the same, without first submitting the question of an additional tax, or taxes, to the electors of said city; and a majority of all who vote shall determine the question. But no elector shall be entitled to vote, in any city, upon any question of taxation thus submitted, unless he shall be qualified by the possession, in his own right, of ratable property to the amount of one hundred and fifty dollars, and shall have been assessed thereon to pay a city tax, and shall have paid the same, as provided in section fourth of article two. Nothing in that article shall be so construed as to prevent any elector from voting for town officers, and, in the city of Providence, and other cities, for mayor, aldermen, and members of the common council.

13. The General Assembly shall not pass any law, nor cause any act or thing to be done, in any way to disturb any of the owners or occupants of land in any territory now under the jurisdiction of any other State or States, the jurisdiction whereof may be ceded to, or decreed to belong to, this State; and the inhabitants of such territory shall continue in the full, quiet, and undisturbed enjoyment of their titles to the same, without interference in any way on the part of this State.

#### ARTICLE X.

##### *Of elections.*

1. The election of the governor, lieutenant governor, secretary of state, general treasurer, attorney general, and also of senators and representatives to the General Assembly, and of sheriffs of the counties, shall be held on the third Wednesday of April annually.

2. The names of the persons voted for as governor, lieutenant governor, secretary of state, general treasurer, attorney general, and sheriffs of the respective counties, shall be put upon one ticket; and the tickets shall be deposited by the electors in a box by themselves. The names of the persons voted for as senators and as representatives shall be put upon separate tickets, and the tickets shall be deposited in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

3. All the votes given for governor, lieutenant governor, secretary of

state, general treasurer, attorney general, sheriffs, and also for senators, shall remain in the ballot-boxes till the polls be closed. These votes shall then, in open town and ward meetings, and in the presence of at least ten qualified voters, be taken out and sealed up, in separate envelopes, by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and forthwith deliver or send them to the Secretary of State, whose duty it shall be securely to keep the same, and to deliver the votes for State officers and sheriffs to the Speaker of the House of Representatives, after the House shall be organized, at the June session of the General Assembly. The votes last named shall, without delay, be opened, counted, and declared, in such manner as the House of Representatives shall direct; and the oath of office shall be administered to the persons who shall be declared to be elected, by the Speaker of the House of Representatives, and in the presence of the House: provided that the sheriffs may take their engagement before a Senator, judge, or justice of the peace. The votes for Senators shall be counted by the Governor and Secretary of State within seven days from the day of election; and the Governor shall give certificates to the Senators who are elected.

4. The boxes containing the votes for representatives to the General Assembly in the several towns shall not be opened till the polls for representatives are declared to be closed. The votes shall then be counted by the moderator and clerk, who shall announce the result, and give certificates to the person selected. If there be no election, or not an election of the whole number of representatives to which the town is entitled, the polls for representatives may be re-opened, and the like proceedings shall be had, until an election shall take place: provided, however, that an adjournment of the election may be made to a time not exceeding seven days from the first meeting.

5. In the city of Providence, and other cities, the polls for representatives shall be kept open during the whole time of voting for the day; and the votes in the several wards shall be sealed up, at the close of the meeting, by the wardens and ward clerks, in the presence of at least ten qualified electors, and delivered to the city clerks. The mayor and aldermen of said city or cities shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the representatives whom the representative districts are entitled to elect, shall have taken place, the mayor and aldermen shall order a new election to be held, not more than ten days from the day of the first election; and so on, till the election of representatives shall be completed. Certificates of election shall be furnished to the persons chosen, by the city clerks.

6. If there be no choice of a senator or senators at the annual election, the governor shall issue his warrant to the town and ward clerks of the several towns and cities in the senatorial district or districts that may have failed to elect, requiring them to open town or ward meetings for another election, on a day not more than fifteen days beyond the time of counting the votes for senators. If, on the second trial, there shall be no choice of a senator or senators, the Governor shall certify the result to the Speaker of the House of Representatives; and the House of Representatives, and as many senators as shall have been chosen, shall forthwith elect, in joint committee, a senator or senators, from the two candidates who may receive the highest number of votes in each district.

7. If there be no choice of Governor at the annual election, the Speaker



of the House of Representatives shall issue his warrant to the clerks of the several towns and cities, requiring them to notify town and ward meetings for another election, on a day to be named by him, not more than thirty nor less than twenty days beyond the time of receiving the report of the committee of the House of Representatives who shall count the votes for Governor. If on this second trial there shall be no choice of a Governor, the two Houses of the General Assembly shall, at their next session, in joint committee, elect a Governor from the two candidates having the highest number of votes, to hold his office for the remainder of the political year, and until his successor be duly qualified.

8. If there be no choice of Governor and Lieutenant Governor at the annual election, the same proceedings for the choice of a Lieutenant Governor shall be had as are directed in the preceding section : provided, that the second trial for the election of Governor and Lieutenant Governor shall be on the same day : and also provided, that, if the Governor shall be chosen at the annual election, and the Lieutenant Governor shall not be chosen, then the last named officer shall be elected in joint committee of the two Houses, from the two candidates having the highest number of votes, without a further appeal to the electors. The Lieutenant Governor, elected as is provided in this section, shall hold his office as is provided in the preceding section respecting the Governor.

9. All town, city, and ward meetings for the choice of representatives, justices of the peace, sheriffs, senators, State officers, representatives to Congress, and electors of President and Vice President, shall be notified by the town, city, and ward clerks, at least seven days before the same are held.

10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the choice of the person or persons voted for.

11. The oath, or affirmation, to be taken by all the officers named in this article shall be the following : You, being elected to the place (of governor, lieutenant governor, secretary of state, general treasurer, attorney general, or to the places of senators or representatives, or to the office of sheriff or justice of the peace,) do solemnly swear, or severally solemnly swear, or affirm, that you will be true and faithful to the State of Rhode Island and Providence Plantations, and that you will support the constitution thereof; that you will support the constitution of the United States; and that you will faithfully and impartially discharge the duties of your aforesaid office, to the best of your abilities and understanding : so help you God ! or, this affirmation you make and give upon the peril of the penalty of perjury.

#### ARTICLE XI.

##### *Of the Judiciary.*

1. The judicial power of this State shall be vested in one supreme court, and in such other courts, inferior to the supreme court, as the Legislature may, from time to time, ordain and establish : and the jurisdiction of the supreme and of all other courts may, from time to time, be regulated by the General Assembly.

2. Chancery powers may be conferred on the supreme court ; but no other court exercising chancery powers shall be established in this State, except as is now provided by law.

3. The justices of the supreme court shall be elected in joint committee of the two Houses, to hold their offices for one year, and until their places be declared vacant by a resolution to that effect, which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same vote of the other House, without revision by the Governor. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at the said session, the judge, or judges, shall hold his or their place or places for another year. But a judge of any court shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

4. In case of vacancy by the death, resignation, refusal, or inability to serve, or removal from the State, of a judge of any court, his place may be filled by the joint committee, until the next annual election; when, if elected, he shall hold his office as herein provided.

5. The justices of the supreme court shall receive a compensation, which shall not be diminished during their continuance in office.

6. The judges of the courts inferior to the supreme court shall be annually elected in joint committee of the two Houses, except as herein provided.

7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of justices of the peace, or wardens resident therein, with such jurisdiction as the General Assembly may prescribe. And said justices or wardens (except in the towns of New Shoreham and Jamestown) shall be commissioned by the Governor.

8. The General Assembly may provide that justices of the peace, who are not re-elected, may hold their offices for a time not exceeding ten days beyond the day of the annual election of these officers.

9. The courts of probate in this State, except the supreme court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

## ARTICLE XII.

### *Of education.*

1. All moneys which now are, or may hereafter be, appropriated, by the authority of the State, to public education, shall be securely invested, and remain a perpetual fund for the maintenance of free schools in this State; and the General Assembly are prohibited from diverting said moneys or fund from this use, and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, or under any pretence whatsoever. But the income derived from said moneys or fund shall be annually paid over, by the general treasurer, to the towns and cities of the State, for the support of said schools, in equitable proportions: provided, however, that a portion of said income may, in the discretion of the General Assembly, be added to the principal of said fund.

2. The several towns and cities shall faithfully devote their portions of said annual distribution to the support of free schools; and, in default thereof, shall forfeit their shares of the same to the increase of the fund.

3. All charitable donations for the support of free schools, and other pur-

poses of public education, shall be received by the General Assembly, and invested and applied agreeably to the terms prescribed by the donors: provided the same be not inconsistent with the constitution, or with sound public policy; in which case, the donation shall not be received.

#### ARTICLE XIII.

##### *Amendments.*

The General Assembly may propose amendments to this constitution by the vote of a majority of all the members elected to each House. Such propositions shall be published in the newspapers of the State; and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State; and the said propositions shall be, by said clerks, inserted in the notices by them issued for warning the next annual town and ward meetings in April; and the town and ward clerks shall read said propositions to the electors, when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected at said annual meetings, present in each House, shall approve any proposition thus made, the same shall be published as before provided, and then sent to the electors in the mode provided in the act of approval; and, if then approved by a majority of the electors who shall vote in town and ward meetings, to be specially convened for that purpose, it shall become a part of the constitution of the State.

#### ARTICLE XIV.

##### *Of the adoption of the constitution.*

1. This constitution shall be submitted to the people, for their adoption or rejection, on Monday, the 27th day of December next, and on the two succeeding days; and all persons voting are requested to deposite in the ballot-boxes printed or written tickets in the following form: I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am (or not) qualified to vote under the existing laws of this State. I vote for (or against) the constitution formed by the convention of the people, assembled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

2. Every voter is requested to write his name on the face of his ticket; and every person entitled to vote as aforesaid, who, from sickness or other causes, may be unable to attend and vote in the town or ward meetings assembled for voting upon said constitution, on the days aforesaid, is requested to write his name upon a ticket, and to obtain the signature, upon the back of the same, of a person who has given in his vote, as a witness thereto. And the moderator, or clerk, of any town or ward meeting convened for the purpose aforesaid, shall receive such vote, on either of the three days next succeeding the three days before named for voting on said constitution.

3. The citizens of the several towns in this State, and of the several wards in the city of Providence, are requested to hold town and ward meet-



ings on the days appointed, and for the purpose aforesaid; and also to choose, in each town and ward, a moderator and clerk, to conduct said meetings, and receive the votes.

4. The moderators and clerks are required to receive, and carefully to keep, the votes of all persons qualified to vote as aforesaid, and to make registers of all the persons voting; which, together with the tickets given in by the voters, shall be sealed up, and returned by said moderators and clerks, with certificates signed and sealed by them, to the clerks of the convention of the people, to be by them safely deposited and kept, and laid before said convention, to be counted and declared at their next adjourned meeting, on the 12th day of January, 1842.

5. This constitution, except so much thereof as relates to the election of the officers named in the sixth section of this article, shall, if adopted, go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-two.

6. So much of the constitution as relates to the election of the officers named in this section shall go into operation on the Monday before the third Wednesday of April next preceding. The first election under this constitution, of Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, of Senators and Representatives, of sheriffs for the several counties, and of justices of the peace for the several towns, and the wards of the city of Providence, shall take place on the Monday aforesaid.

7. The electors of the several towns and wards are authorized to assemble on the day aforesaid, without being notified, as is provided in section 9th of article 10, and without the registration required in section 7th of article 2, and to choose moderators and clerks, and proceed in the election of the officers named in the preceding section.

8. The votes given in at the first election for Representatives to the General Assembly, and for justices of the peace, shall be counted by the moderators and clerks of the towns and wards chosen as aforesaid; and certificates of election shall be furnished by them to the Representatives and justices of the peace elected.

9. Said moderators and clerks shall seal up, certify, and transmit to the House of Representatives all the votes that may be given in at said first election for Governor and State officers, and for Senators and sheriffs; and the votes shall be counted as the House of Representatives may direct.

10. The Speaker of the House of Representatives shall, at the first session of the same, qualify himself to administer the oath of office to the members of the House, and to other officers, by taking and subscribing the same oath in the presence of the House.

11. The first session of the General Assembly shall be held in the city of Providence on the first Tuesday of May, in the year one thousand eight hundred and forty-two, with such adjournments as may be necessary; but all other sessions shall be held as is provided in article 4 of this constitution.

12. If any of the Representatives, whom the towns or districts are entitled to choose at the first annual election aforesaid, shall not be then elected, or if their places shall become vacant during the year, the same proceedings may be had to complete the election, or to supply vacancies, as are directed concerning elections in the preceding sections of this article.

13. If there shall be no election of Governor or Lieutenant Governor, or

of both of these officers, or of a Senator or Senators, at the first annual election, the House of Representatives, and as many Senators as are chosen, shall forthwith elect, in joint committee, a Governor or Lieutenant Governor, or both, or a Senator or Senators, to hold their offices for the remainder of the political year; and, in the case of the two officers first named, until their successors shall be duly qualified.

14. If the number of justices of the peace determined by the several towns and wards on the day of the first annual election shall not be then chosen, or if vacancies shall occur, the same proceedings shall be had as are provided for in this article in the case of a non election of Representatives and Senators, or of vacancies in their offices. The justices of the peace thus elected shall hold office for the remainder of the political year, or until the second annual election of justices of the peace, to be held on such day as may be prescribed by the General Assembly.

15. The justices of the peace elected in pursuance of the provisions of this article, may be engaged by the persons acting as moderators of the town and ward meetings, as herein provided; and said justices, after obtaining their certificates of election, may discharge the duties of their office, for a time not exceeding twenty days, without a commission from the Governor.

16. Nothing contained in this article, inconsistent with any of the provisions of other articles of the constitution, shall continue in force for a longer period than the first political year under the same.

17. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors, under this constitution, shall be duly elected and qualified.

18. All civil, judicial, and military officers now elected, or who shall hereafter be elected by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices, and may exercise their powers, until that time.

19. All laws and statutes, public and private, now in force, and not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been made.

20. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places in each county, as the present supreme judicial court, until the General Assembly shall otherwise prescribe.

21. The citizens of the town of New Shoreham shall be hereafter exempted from military duty, and the duty of serving as jurors in the courts of this State. The citizens of the town of Jamestown shall be forever hereafter exempted from military field duty.

22. The General Assembly shall, at their first session after the adoption of this constitution, propose to the electors the question, whether the word "white," in the first line of the first section of article 2 of the constitution, shall be stricken out. The question shall be voted upon at the succeeding

annual election; and if a majority of the electors voting shall vote to strike out the word aforesaid, it shall be stricken from the constitution; otherwise, not. If the word aforesaid shall be stricken out, section 3d of article 2 shall cease to be a part of the constitution.

23. The president, vice presidents, and secretaries shall certify and sign this constitution, and cause the same to be published.

Done in convention, at Providence, on the 18th day of November, in the year one thousand eight hundred and forty one, and of American independence the sixty-sixth.

JOSEPH JOSLIN, *President of the Convention.*

WAGER WEEDEN, }  
SAMUEL H. WALES, } *Vice Presidents.*

Attest:

WILLIAM H. SMITH, }  
JOHN S. HARRIS, } *Secretaries.*

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### No. 6.—(B.)

#### PEOPLE'S CONVENTION.

The people's constitution was declared adopted by the convention on Thursday, January 13, as follows:

Whereas, by the return of the votes upon the constitution, proposed to the citizens of this State by this convention on the 18th day of November last, it satisfactorily appears that the citizens of this State, in their original and sovereign capacity, have ratified and adopted said constitution by a large majority; and the will of the people, thus decisively made known, ought to be implicitly obeyed and faithfully executed:

We do, therefore, resolve and declare that said constitution rightfully ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

And we do further resolve and declare, for ourselves, and in behalf of the people whom we represent, that we will establish said constitution, and sustain and defend the same by all necessary means.

*Resolved*, That the officers of this convention make proclamation of the return of the votes upon the constitution; and that the same has been adopted, and has become the constitution of this State; and that they cause said proclamation to be published in the newspapers of the same.

*Resolved*, That a certified copy of the report of the committee appointed to count the votes upon the constitution, and of these resolutions, and of the constitution, be sent to his excellency the Governor, with a request that he communicate the same to the two Houses of the General Assembly.

A resolution was offered relating to the safekeeping of the votes, which was passed, as follows:

*Resolved*, That the secretaries cause all the votes given in upon the constitution in their separate envelopes to be enclosed in a general envelope, sealed up, and safely deposited; and that they be authorized to copy any part of the registry of said votes, or of the votes themselves, upon the application of any person.

*Resolved*, That it be recommended to the electors of the several towns



and representative districts in this State, who are friendly to the constitution, to choose as many delegates as they are entitled to elect Representatives to the General Assembly, to assemble in convention at Providence on the 16th day of February next, at 2 o'clock, p. m., for the purpose of nominating a Governor, Lieutenant Governor, and other State officers, to be supported upon a *constitutional and State rights ticket*, at the first general election, on Monday the 18th day of April next.

*Resolved*, That the friends of the constitution in the several senatorial districts, counties, towns, and representative districts, be also requested to hold meetings at an early day for the nomination of senators, sheriffs, representatives, and justices of the peace, to be voted for at the general election on the 18th day of April next.

On motion, the convention then dissolved.

The undersigned, who were appointed on the 12th day of January, 1842, a committee of the people's convention, to examine and count the votes upon the constitution proposed to the people by said convention, on the 18th day of November last, which said votes were given in on the 27th day of December last, and on the five subsequent days, report that they have attended to the duty of their appointment, and they present to the convention the following statement of the result:

*County of Providence.*

Providence—

	Freemen.	Non-freemen.	Total.
First ward -	162	362	524
Second ward -	90	281	371
Third ward -	165	472	637
Fourth ward -	142	357	499
Fifth ward -	245	519	764
Sixth ward -	255	506	761
	<hr/> 1,059	<hr/> 2,497	<hr/> 3,556
Smithfield -	382	956	1,338
Scituate -	208	316	524
Glocester -	195	207	402
Cumberland -	294	598	892
Cranston -	167	237	404
Johnston -	141	206	347
North Providence*	214	469	683
Foster -	124	114	238
Burrillville -	149	134	283
	<hr/> 2,933	<hr/> 5,734	<hr/> 8,667

\* The votes of five freemen and of three non-freemen given in favor of the constitution, were rejected for informality of the return.

*County of Newport.*

	Freemen.	Non-freemen.	Total.
Newport -	319	883	1,202
Portsmouth -	71	55	126
New Shoreham* -	102	30	132
Jamestown -	18	13	31
Middletown -	8	22	30
Tiverton -	102	172	274
Little Compton -	19	25	44
	<u>639</u>	<u>1,200</u>	<u>1,839</u>

*County of Kent.*

Warwick -	309	591	900
East Greenwich -	50	85	135
West Greenwich -	17	45	62
Coventry -	157	249	406
	<u>533</u>	<u>970</u>	<u>1,503</u>

*County of Bristol.*

Bristol -	152	214	366
Warren -	103	107	210
Barrington -	28	24	52
	<u>283</u>	<u>345</u>	<u>628</u>

*County of Washington.*

Westerly -	107	144	251
North Kingstown -	84	169	253
South Kingstown -	138	137	275
Charlestown -	64	36	100
Exeter -	52	82	134
Richmond -	44	88	132
Hopkinton -	83	79	162
	<u>572</u>	<u>735</u>	<u>1,307</u>

## RECAPITULATION OF THE COUNTIES.

Providence -	2,933	5,734	8,667
Newport -	639	1,200	1,839
Washington -	572	735	1,307
Kent -	533	970	1,503
Bristol -	283	345	628
	<u>4,960</u>	<u>8,984</u>	<u>13,944</u>

\* Twenty six additional votes for the constitution were given by twenty-two freemen and four non-freemen, of which no regular return was received.

The whole number of males in the State, over the age of 21 years, as nearly as can be ascertained by the census of the United States for the year 1840, is 26,142. Deducting at a moderate computation 3,000 persons who are not citizens of the United States over the age of 21 years and permanent residents, or who are excluded by being under guardianship, insane, or convict, and the remainder is 23,142, of whom a majority is 11,572. The constitution has received 873 votes more than one half of all the adult males in the State, and 2,372 more than half all those qualified to vote for said constitution by citizenship, age, and residence, as aforesaid, and an actual majority of 4,744. Deduct from 23,142, the whole number who voted for the constitution, (viz: 13,944,) and the remainder is 9,198; of whom 9,146 did not vote, and 52 voted against the constitution, viz: In Smithfield 2; North Providence 11; Tiverton 3; Little Compton 17; Westerly 1; South Kingstown 10; Warwick 1; East Greenwich 6; and Warren 1.

Of the persons who voted, 4,960 are qualified voters under the existing laws of the State. The greatest number of votes ever polled by said voters was 8,622, at the presidential election in November, 1840; of this number, a majority of 1,298 have voted for the constitution—making, also, as your committee believe, a majority of all the freemen of the State.

The committee have found all the returns of votes from the several towns and wards to have been regularly made, and accompanied with lists of all the persons voting, which enumerate the qualified voters, and those who are not. Every voter has signed his name upon his ticket; and the committee believe that both the voting and the returns have been as regular and accurate as at any election ever held in the State.

A considerable number of votes were returned as having been given by freeholders who had not yet been admitted freemen; but they were, of course, counted with those of the non-freemen.

The committee report to the convention, as the result of their examination and count of the votes, that the constitution proposed to the people by said convention on the 18th day of November last, has been adopted by a large majority of the citizens over the age of 21 years, having their permanent residence in the State.

William James, *Chairman.*

John R. Waterman,

Dutée J. Pearce,

David Daniels,

Oliver Chace, jr.,

Robert R. Carr,

Ariel Ballou,

Thomas W. Dorr,

Samuel T. Hopkins,

Alfred Reed,

Wm. C. Barker,

Abner Haskell,

Alexander Allen,

Willard Hazard,

Welcome Ballou Sayles,

Sylv. Himes,

Israel Wilson,

Jonathan Remington,

Christ. Smith,

Elisha G. Smith,

Samuel Luther,

Erasmus D. Campbell,

Nathan Bardin,

Joshua B. Rathbun,

Nathan A. Brown.

Wm. H. Smith, }

John S. Harris, } *Secretaries.*

PROVIDENCE, *January 13, 1841.*



No. 7.—(BB.)

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

## A PROCLAMATION.

Whereas the convention of the people of this State; at their last session, in the city of Providence, on the 13th day of January, A. D. 1842, passed the following resolutions, to wit :

“ Whereas, by the return of the votes upon the constitution, proposed to the citizens of this State by this convention, on the 18th day of November last, it satisfactorily appears that the citizens of this State, in their original and sovereign capacity, have ratified and adopted said constitution by a large majority; and the will of the people thus decisively made known, ought to be implicitly obeyed and faithfully executed :

“ We do, therefore, resolve and declare that said constitution rightfully ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

“ And we do further resolve and declare, for ourselves, and in behalf of the people whom we represent, that we will establish said constitution, and sustain and defend the same by all necessary means.

“ *Resolved*, That the officers of this convention make proclamation of the return of the votes upon the constitution, and that the same has been adopted and has become the constitution of this State, and that they cause said proclamation to be published in the newspapers of the same.”

Now, therefore, in obedience to the above vote of said convention, we, the undersigned, officers of the same, do hereby proclaim and make known to all the people of this State, that said constitution has been adopted by a large majority of the votes of the citizens of this State; and that said constitution of right ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

And we hereby call upon the citizens of the State to give their aid and support in carrying said constitution into full operation and effect, according to the terms and provisions thereof.

Witness our hands, at Providence, in said State, this 13th day of January, A. D. 1842.

JOSEPH JOSLIN,

*President of the Convention.*

WAGER WEEDEN, {

SAMUEL H. WALES, { *Vice Presidents.*

WM. H. SMITH, {

JOHN S. HARRIS, { *Secretaries.*

No. 8.—(C.)

*Opinion of John Pitman, now United States judge for the Rhode Island district.*

In addition to the testimony of William E. Richmond, esq., which was recently laid before the General Assembly, that of Judge Pitman is now offered. Mr. Pitman is, with the rhetorical aid of Professor Goddard, the

author of the address to the members, which has been circulated among them, to prove that all political rights originate with the government, to which the people are indebted for all grants of privilege, instead of being themselves the sovereign power, as has been generally supposed.

Subjoined is the first section of the "bill to extend suffrage," which was passed in the Senate of this State, in February, 1811, and was laid on the table in the House of Representatives; and also a petition to the Assembly in favor of said bill, with a subsequent argument in support of the same, based on the doctrines of the declaration of independence.

Mr. Pitman was the author of the bill, petition, and argument; and they are presented as affording an interesting contrast with his present views, as contained in his aforesaid "address." The public will decide which side of the case Judge Pitman has maintained with the greatest ability and success. He is now a rancorous opponent of the rights of the people.

It is hoped that a similar act of justice to that now rendered to the political judge, may be shortly rendered to the nominal professor, "who pays no taxes."

At the time when said bill was passed, (February 11,) the following persons were State officers: James Fenner, Governor; Isaac Wilbor, Lieutenant Governor; Jeremiah B. Howell, John Remington, Daniel Babcock, Benjamin Howland, Daniel Mowry, William Waterman, Oliver Gardner, Isaac Barker, William Peckham, Senators, (John D'Wolf, absent.)

The remaining sections of the bill, which are omitted, were intended to guard the general provisions of the first section.

P. S.—A great number of the above addresses have been sent to different parts of the State, done up with United States Government paper and tape.

#### RIGHT OF SUFFRAGE.

The following is the suffrage bill originated in and passed the Senate of the State, at the last session of the General Assembly, and was met in the House by a postponement:

AN ACT in addition to an act entitled "An act regulating the manner of admitting freemen, and directing the method of electing officers in this State."

*Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That every white male citizen of this State, who has attained to the age of twenty one years, and who is rated for a poll or property tax, or who is or has been enrolled in the militia of this State, shall be hereafter entitled to vote for general officers of this State, and for persons to represent the respective towns in General Assembly: *Provided,* That no citizen shall be entitled to vote by virtue of his being, or having been, enrolled in the militia, who is exempted from military duty in consequence of any bodily defect or infirmity: *Provided, also,* That no citizen shall be admitted to vote in any town for the officers or persons aforesaid, except the one wherein such citizen shall have been a resident for the space of one year next preceding the time of such voting: *And provided, always,* That every citizen qualified as aforesaid, shall be entitled to vote as aforesaid, notwithstanding he may not have been admitted a freeman in any town in this State.

After the above bill was read in the House, Mr. D'Wolf, of Bristol, presented the following petition, which he requested might be then read, as it was connected with the subject-matter of the bill; and it was read accordingly:

*To the honorable General Assembly of the State of Rhode Island and Providence Plantations, to be holden at East Greenwich, on the fourth Monday of February, A. D. 1811.*

The subscribers, citizens and freemen of said State, humbly represent unto your honors, that they have viewed, with much concern, a practice which has lately obtained in this State, and which tends to destroy, and render of no effect, the law which regulates the qualification of freemen, and to evade some of the provisions of the act entitled "An act regulating the manner of admitting freemen, and directing the method of electing officers in this State."

We consider a blow aimed at our elective franchise as aimed at the root of our liberties. The people of this State have no other way of exercising their controlling power, but in the choice of those to whom their original power is delegated; and if they are deprived of this, in whole or in part, they are, in whole or in part, subjected to usurped and illegitimate authority. The people of this State, acting by their representatives in General Assembly, have heretofore willed that no person should have a right to vote in the choice of general officers, or town representatives, but such as were admitted freemen, and who possessed a certain property qualification. The lowest property qualification of a voter, is a real estate in this State, for the life of the voter, of the *full* value of one hundred and thirty-four dollars, or which will rent for seven dollars a year; and the law says that no estate of a less quality shall entitle a person to the freedom of this State. The ingenuity of man has, however, devised a way completely to evade this provision, to bring a man within the letter of this law, and to enable him to vote without a real interest in a shilling's worth of freehold. For example: A is possessed of a freehold estate of the value of one hundred and thirty-four dollars, and gives a life lease of it to B, upon the consideration that B shall pay him a yearly rent for the same of twenty or fifty dollars, and also upon the condition, in case the said rent should remain unpaid at the expiration of twelve months, that the lease should be void, and that A should have a right to re enter upon the premises. B goes forward with this lease, and claims a right to vote as being a freeholder, (having heretofore been admitted a freeman.) There is no question but that the freehold of A is of a sufficient value; and the only question is respecting the fraud of the conveyance, which, although apparent to every one, still B can go forward and swear that he is possessed of the estate *according to the tenor of the said conveyance*, and that he has given *no assurance to reconvey it*. His vote is received, and goes to balance the vote of some substantial freeholder. But it is plain B has no estate in *effect*, whatever he may have in law. He enters into no covenant to pay the rent, and only forfeits the lease if he does not do it. It is perfectly understood between the parties, that the rent is never to be paid; which is purposely placed much higher than the premises are yearly worth, in order that the lessor may run no risk of being deprived of the control of his property, and that the lease may stand or not, at his pleasure, at the end of the year. To make this contrivance as productive as possible, care has been



taken to give such leases to those who have a son of sufficient age to vote, who is then propounded, admitted a freeman, and suffered to vote as being the eldest son of a freeholder. If such proceedings are tolerated, then indeed is our election law of no other utility than to sharpen the wit and ingenuity of those who find no conscientious restraint in the spirit of a law which they are willing to destroy, if they can do it with impunity, by bringing themselves within its letter.

We would also respectfully submit unto your honors, whether some further provisions might not be made to prevent more effectually the making of voters, by other ways than is above stated, as we are convinced that either property qualifications should be abolished entirely, or some way found out to prevent the alarming increase of illegal voters. In the town of Providence alone, we are informed, that at the late town meeting in that town, upwards of one hundred and twenty persons were propounded to be admitted free, preparatory to the election in April next; and we leave it to your honors to decide whether or not this increase is the natural result of increasing wealth and population. That this town should, according to the common course of things, increase its number of freemen one seventh in one year, is to us astonishing, when we consider that its number of inhabitants, according to the census of 1800 and 1810, has not increased in anything like the same proportion.

We think your honors must be sensible of the importance of the elective franchise to the people of this State. Without a free and fair enjoyment of this, we cannot possess the substance of republicanism. We therefore pray that your honors would take this subject into consideration, and either extend the right of voting to all the citizens of this State who pay a poll tax, and have been enrolled in the militia, or make such a law as shall prevent those who have now the will and the means from qualifying for voters those who in fact thereby obtain no property, no independence, and who are made instruments in the hands of the rich to render nugatory the votes of such of the yeomanry, and of the middling class of citizens, as are not willing to submit to be led, and who have spirit and independence enough to think and act for themselves. And we, as in duty bound, will ever pray, &c.

[Signed by a number of freemen.]

I certify the foregoing to be a true copy.

TH. BURGESS, *Clerk.*

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No. 9.—(D.)

*Proposed constitution of the State of Rhode Island and Providence Plantations, as adopted by the convention assembled at Newport, June 21, 1824.*

We, the people of the State of Rhode Island and Providence Plantations, do ordain and establish this constitution for the government thereof :

## ARTICLE I.

*Of the distribution of powers.*

1. The powers of the government shall be distributed into three distinct departments—the legislative, executive, and judicial.

2. No person, or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in cases herein expressly directed or permitted.

## ARTICLE II.

## SECTION 1.

*Of the legislative department.*

1. The legislative power shall be vested in two distinct houses or branches: the one to be styled the Senate, the other the House of Representatives; and both together, the General Assembly. The style of their laws shall be, *Be it enacted by the General Assembly of the State of Rhode Island and Providence Plantations.*

2. If any senator or representative in the General Assembly of this State shall be appointed to any office under the Government of the United States, and shall accept of the same after his election as such senator or representative, his seat shall thereby become vacated; and any person who holds an office under the Government of the United States may be elected a member of the General Assembly, and may hold his seat therein, if, at the time of his taking his seat, he shall have resigned said office, and shall declare the same on oath, if required. No member of the General Assembly shall, during the time for which he shall have been elected, be appointed to any civil office under this State, which shall have been created, or the emoluments of which shall have been increased, during the time for which he was elected. No member of the General Assembly shall take any fees, be of counsel, or act as advocate before either branch of the legislature, under penalty of forfeiting his seat upon due proof thereof.

3. There shall be one session of the General Assembly holden annually at Newport on the first Tuesday of May; and one other session, holden alternately at Providence and South Kingstown, on the second Monday of January in each year; and the adjournments from said sessions, respectively, shall be holden at East Greenwich and Bristol alternately.

4. The senators and representatives shall, in all cases of civil process, be privileged from arrest during the session of the General Assembly, and for two days before the commencement, and two days after the termination, of any session thereof; and for any speech in debate, in either house, they shall not be questioned in any other place.

5. Each house shall be the judge of the elections and qualifications of its own members, and the majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may prescribe.

6. Each house may determine the rules of proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member, but not a second time for the same cause.

7. Each house shall keep a journal of its proceedings, and publish the same when required by one fifth of its members. The yeas and nays of the members of either house shall, at the desire of one fifth of those present, be entered on the journal.

8. Every bill which shall have passed both houses of the General Assembly shall be presented to the governor: if he approve of it, he shall sign and transmit it to the secretary; but if not, he shall return it to the house in which it shall have originated with his objections thereto, which shall be entered on their journal at large. The house shall then proceed to reconsider the bill; and if, after such reconsideration, that house shall again pass it, it shall be sent, with the objections, to the other House, which shall also reconsider it; and, if approved by that house, it shall become a law. But, in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journal of each house respectively. If the bill shall not be returned by the governor within two days (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly by their adjournment prevent its return; in which case, it shall not be a law.

9. The civil and military officers heretofore elected in grand committee, shall hereafter be elected annually by the General Assembly in joint committee, composed of the two houses of the legislature, excepting as is otherwise provided by this constitution; and excepting the captains and subalterns of the militia, who shall be elected by the written votes of the members, composing their respective companies, in such manner as the legislature may prescribe; and such officers so elected shall be approved of and commissioned by the governor, who shall determine their rank; and if said companies shall neglect or refuse to make such elections after being duly notified, then the governor shall appoint suitable persons to fill such offices.

## SECTION 2.

### *Of the Senate.*

1. The Senate shall consist of ten members, to be chosen annually, by the electors, by general ticket; but no person shall be elected to the place of senator unless he be possessed of a freehold in this State sufficient to qualify him to be an elector, and shall be a freeman and inhabitant of the same. In case an election of a majority of senators should fail in any instance to be made by the electors at their annual election, the vacancies shall be filled by the House of Representatives; and all vacancies in the Senate from any other cause shall be filled by the two houses in joint committee.

2. The lieutenant governor shall, by virtue of his office, be president of the Senate, and have, when in committee of the whole, a right to debate; and, when the Senate is equally divided, to give the casting vote.

3. When the government shall be administered by the lieutenant governor, or he shall be unable to attend as president of the Senate, the Senate shall elect one of their own members president *pro tempore*.

4. The secretary of state shall be, by virtue of his office, secretary of the Senate.



## SECTION 3.

*Of the House of Representatives.*

1. The House of Representatives shall consist of members elected by the electors of the several towns, in their respective town meetings, on the third Wednesday of April annually. Each town having three thousand inhabitants, and under five thousand, shall be entitled to elect three representatives; each town having five thousand inhabitants, and under eight thousand, shall be entitled to elect four representatives; each town having eight thousand inhabitants, and under twelve thousand, shall be entitled to elect five representatives; each town having twelve thousand inhabitants, and under seventeen thousand, shall be entitled to elect six representatives; and each town having seventeen thousand inhabitants, shall be entitled to elect seven representatives; but no town shall be entitled to elect more than seven representatives, nor shall any town be entitled to less than two. The representation in the several towns in this State shall be apportioned agreeably to the census of the people of the United States, taken in the year one thousand eight hundred and twenty, in conformity to the constitution thereof; and said apportionment shall continue to have effect until a new census be taken of the people of the United States, as by their constitution is provided. The representation in the several towns in this State shall be apportioned agreeably to said new census; and so on at each subsequent period thereafter, whenever a census of the people of the United States shall be taken under the constitution thereof.

2. No person shall be eligible to the place of representative in the General Assembly, unless he be a freeman, and an inhabitant of the town for which he shall be elected, and possessed of a freehold in the same, sufficient to qualify him to be an elector according to this constitution.

3. The House of Representatives shall have authority to elect their own speaker, clerk, and other officers.

4. Whenever the seat of a member of the House of Representatives shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

## SECTION 4.

*Of impeachments.*

1. The House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate; and, when sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted, except on concurrence of two-thirds of the members elected. When the governor is impeached, the chief justice of the supreme judicial court shall preside.

3. The governor and all other executive and judicial officers shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office. The party convicted shall, nevertheless, be liable and subject to indictment, trial, and punishment, according to law.

## ARTICLE III.

*Of the executive department.*

1. The supreme executive power of this State shall be vested in a governor, who shall be chosen by the electors properly qualified, and shall hold his office for the term of one year, from the first Tuesday in May next succeeding his election, and until his successor be duly qualified. But if no person shall have a majority of votes, the Senate and House of Representatives, in joint committee, shall choose a governor by ballot, from the two persons having the highest number of votes. No person shall be eligible to the office of governor, who does not possess the qualifications of an elector, and who shall not have attained to the age of thirty years, and who is not a native born citizen of the United States, and who shall not have been, for the term of five years, resident within this State; or who, at the time of his election, or during the term for which he was elected, shall not be a resident therein.

2. There shall also be chosen, in the same manner as hereinbefore provided for the election of governor, a lieutenant governor, who shall continue in office for the same term of time, and possess the same qualifications, as are required in the case of the governor.

3. A secretary of state, general treasurer, and attorney general, shall also be chosen on the third Wednesday of April, annually, in the same manner, and for the same term of time, as hereinbefore provided as to the election of governor and lieutenant governor. And in case an election of the secretary of state, attorney general, or general treasurer, should fail to be made by the electors at their annual election, or in case of a vacancy in either of said offices, from any other causes, the vacancy or vacancies shall be filled by the legislature, in joint committee of both branches thereof.

4. The governor shall have power to grant reprieves and pardons after conviction, in all cases except those of impeachment. He shall preside in the joint committee of both houses, when assembled for the election of officers, and shall have a casting vote therein, if the joint committee be equally divided. He shall from time to time give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

5. In case of a disagreement between the two houses of the General Assembly respecting the time or place of adjournment, the person administering the office of governor may adjourn them to such time and place as he shall think proper: provided that the time of adjournment shall not be extended beyond the day of the next stated session.

6. The person administering the office of governor may, on special emergencies, convene the General Assembly at any town in this State, at any other time than hereinbefore provided. And in case of danger from the prevalence of contagious diseases in either of the places in which the General Assembly may by law meet, or to which they may have been adjourned, or from other circumstances, he may, by proclamation, convene said Assembly at any other place within this State.

7. All commissions shall be in the name and by the authority of the State of Rhode Island and Providence Plantations; shall be sealed with the State seal, signed by the governor, and attested by the secretary.

8. The governor shall be commander in-chief of the militia of this State.

9. In case of the death, resignation, refusal, or inability to serve, or removal from office, of the governor, or his impeachment, or absence from the State, the lieutenant governor shall exercise the powers and authority appertaining to the office of governor until another be chosen, at the next annual election for governor, and be duly qualified, or until the governor, impeached or absent, shall be acquitted or return, or his inability be removed.

10. If, during the vacancy of the office of governor, the lieutenant governor shall die, resign, refuse, or be unable to serve, or be removed from office, or if he shall be impeached, or absent from the State, the president of the Senate *pro tempore* shall in like manner administer the government until he be superseded by a governor or lieutenant governor.

11. The compensation of the governor and lieutenant governor shall be established by law, and shall not be varied so as to take effect until after an election which shall next succeed the passage of the law establishing such compensation.

12. The duties of the secretary, general treasurer, and attorney general, shall be the same under this constitution, as are now established by law, or as the legislature may, from time to time, prescribe.

#### ARTICLE IV.

##### *Of the judiciary department.*

1. The judicial power of this State shall be vested in one supreme judicial court, a circuit court of common pleas and general sessions of the peace, and in such other courts inferior to the supreme judicial court as the legislature may, from time to time, ordain and establish; and the jurisdiction of the supreme judicial court, and all other courts, may, from time to time, be regulated by the legislature.

2. There shall be annually appointed, in each town, a sufficient number of justices of the peace, with such jurisdiction as the legislature may prescribe.

3. The justices of the supreme judicial court and circuit court of common pleas and general sessions of the peace shall be appointed in the manner provided by this constitution. They shall be removable from office, by impeachment, or on the joint resolution of both branches of the legislature, two thirds of the number elected of each branch concurring therein. But no person who was a member of the legislature at the time of such removal, shall be appointed to fill the vacancy occasioned thereby: and in all cases of removal by joint resolution of both branches of the legislature, the causes of removal, and the ayes and nays thereon, shall be stated and entered upon the journal of each house.

4. The supreme judicial court shall consist of one chief justice and two associate justices, a majority of whom shall form a quorum. The chief justice shall be appointed for the term of six years; the second justice for the term of four years; and the third justice for the term of two years; but all subsequent appointments at the end of either of these terms shall be for the term of six years. The justices of the supreme judicial court shall receive a compensation, which shall not be diminished during their term of office.

5. The circuit court of common pleas and general sessions of the peace shall consist of five justices—one justice to be taken from each county; and



the jurisdiction of said court shall extend to every county in this State ; and the terms of said court shall be holden in each county, as shall be prescribed by law. The justices of the circuit court of common pleas and general sessions of the peace shall be appointed for the term of one year.

6. No judge shall charge juries on matters of fact ; but may state the testimony, and declare the law.

7. The courts of probate in this State shall remain as at present established by law, until the legislature shall otherwise prescribe.

#### ARTICLE V.

##### *Of elections and the right of suffrage.*

1. Every person who now is, or hereafter may be, admitted a freeman, previous to the adoption of this constitution, shall be an elector so long as he shall be possessed of the qualifications by which he was admitted to be a freeman ; and hereafter, every free white male citizen of the age of twenty one years, who is really and truly possessed, in his own proper right, of real estate, within this State, of the value of one hundred and thirty-four dollars, or which shall rent for seven dollars per annum, being an estate in fee simple, fee tail, or an estate in reversion, which qualifies no other person, or, at least, an estate for the person's own life, shall be entitled to be admitted a freeman in the town in which his estate lies ; and, being so admitted, shall be an elector, and no other persons : *Provided, however,* That the yearly value of such life estate shall exceed the amount of the rent reserved, if any, by the sum of seven dollars per annum : *And provided,* That no person whose estate is under mortgage, and the mortgagee is in possession of such estate, either by suit at law or by consent of the mortgager, shall be admitted to vote in the election of any officer in this State, or be capable of acting as an elector therein ; but the mortgagee, having possession of the land as aforesaid, shall be admitted to vote in the election of officers, if he be in other respects qualified : *Provided, however,* That no mortgager, while in possession of the mortgaged premises, shall be admitted to vote thereon, unless his interest therein shall exceed the sum of one hundred and thirty four dollars, over and above all sums secured by mortgage : *And provided, also,* That no person shall be admitted to vote in any town in this State for representatives to the General Assembly, or for any town officers, or in any town affairs, who has not a sufficient freehold in such town.

2. Electors shall in all cases, except in those of treason, felony, and breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same ; said privilege not to extend further than on said day of election.

3. The privileges of an elector shall be forfeited by a conviction of bribery, forgery, perjury, theft, or other infamous crime ; but such elector, so forfeiting his privileges, may be restored to the same by the General Assembly.

4. No person shall be eligible to any office in this State, other than offices in the militia or town offices, unless he possess a freehold sufficient to qualify him to be an elector.

5. The town meetings in this State for choosing the governor, lieutenant governor, senators and representatives to the General Assembly, secretary of state, attorney general, and general treasurer, shall be holden on the third Wednesday of April, annually.

6. Every person who shall vote for the officers mentioned in the preceding paragraph, excepting for representatives to the General Assembly, shall have his name written at length on the back of his vote at the time of delivering in the same; and the names of all the officers voted for shall be put upon one ticket; and all the votes so taken shall be, in open town meeting, sealed up by the town clerk, and shall, together with a list of the persons voting for governor, be delivered by said town clerk to a senator or one of the representatives of such town, whose duty it shall be to deliver them to the Speaker of the House of Representatives, after the said house shall be duly organized; which votes shall be opened, counted, and declared as the House of Representatives shall direct.

7. The oath of office shall be administered to the persons who shall have been declared to be elected, in the manner in the preceding paragraph recited, by the Speaker of the House of Representatives, and in presence of the house.

#### ARTICLE VI.

##### *A declaration of certain constitutional rights and principles.*

1. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay—conformably to the laws.

2. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but on complaint in writing, upon probable cause, supported by oath or affirmation, and describing, as nearly as may be, the place to be searched, and the person or things to be seized.

3. No person shall be holden to answer a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be liable to be tried, after an acquittal, for the same crime or offence.

4. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishment inflicted; and all punishments ought to be proportioned to the offence.

5. All prisoners ought to be bailed by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety shall require it; nor ever, without the authority of the legislature, nor for a longer period than sixty days at any one time.

6. In all criminal prosecutions, the accused shall enjoy the privilege of a speedy and public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process to obtain them in his favor; and to have the assistance of counsel in his defence. Nor shall he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

7. The person of a debtor, where there is not strong presumption of

fraud, ought not to be confined in prison after he shall have delivered up his property for the benefit of his creditors, in such manner as shall be prescribed by law.

8. Retrospective laws, punishing offences committed before the existence of such laws, are oppressive and unjust, and ought not to be made.

9. No man, in a court of common law, shall be compelled to give evidence against himself.

10. Every man being presumed to be innocent until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

11. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address, or remonstrance.

12. The liberty of the press being essential to the security of freedom in a State, any citizen may publish his sentiments on any subject, being responsible for the abuse of that liberty.

13. The right of trial by jury shall remain inviolate.

14. Private property shall not be taken for public uses without just compensation.

15. The military power shall always be held in strict subordination to the civil authority.

16. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

17. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerable ancestors, in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment that a flourishing civil State may stand and be best maintained with full liberty in religious concerns: We therefore declare that no man shall be compelled to frequent, or support, any religious worship, place, or ministry whatsoever; nor enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer, on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion; and that the same shall in nowise diminish, enlarge, or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

18. The enumeration of the foregoing rights shall not be construed to impair nor deny others retained by the people.

## ARTICLE VII.

### *Of education.*

1. A fund shall be created from all moneys received for taxes on licenses granted under the authority of this State for the support of free schools, which shall be called the school fund, and shall be invested and remain a perpetual fund, and shall continue to accumulate, until the interest arising



therefrom, together with the taxes annually paid on licenses, shall be sufficient to support free schools, at least three months in each year, in every town in this State.

2. All charitable donations for the support of free schools shall be invested and applied agreeably to the will and pleasure of the donors.

3. The General Assembly shall make all the necessary provisions by law for carrying this article into effect; but no law shall ever be passed, authorizing said fund to be diverted to any other use than the support of free schools in the several towns in this State, as provided in the first paragraph of this article.

#### ARTICLE VIII.

##### *Of amendments.*

The General Assembly may propose amendments to this constitution, by the vote of two-thirds of the members of each house. Such propositions shall be published in the newspapers, and printed copies thereof shall be sent by the secretary, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town clerks in the State; and said propositions shall be by said clerks inserted in the warrants or notices by them to be issued, for warning the next annual town meetings in April; and the clerks shall read them to the electors, when assembled, with the names of all the senators and representatives who shall have voted thereon, with the yeas and nays, before the election of senators and representatives shall be had. If two-thirds of the members chosen at said annual meeting present in each house shall approve any proposition thus made, the same shall be published in the newspapers, and again sent to the electors, in the mode to be prescribed by the act of approval; and, if then approved by two thirds of the electors of the State present, and voting thereon, in town meeting, to be specially convened for that purpose, shall become a part of the constitution of this State.

#### ARTICLE IX.

##### *General provisions.*

1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and twenty-five. The first election of governor, lieutenant governor, senators, and representatives, secretary, attorney general, and general treasurer, under said constitution, shall be had on the third Wednesday of April next preceding. All civil, judicial, and military officers now appointed, or who shall hereafter be appointed by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices and may exercise their powers until ten days thereafter. All laws now in force, and not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as though this constitution had not been made. The present government shall exercise all the powers, not repugnant to this constitution, with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and twenty five.

2. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State, as if this constitution had not been formed.

3. This constitution shall be the supreme law of the State; and the judges of all the courts, and all other officers, whether civil or military, shall be bound by oath or affirmation to its due observance.

4. The supreme judicial court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established, and shall have jurisdiction of all causes which may be appealed to or pending in the same, and shall be holden at the same times and places, in each county, as the present supreme judicial court, until the legislature shall otherwise prescribe.

5. The circuit court of common pleas and general sessions of the peace shall have the same jurisdiction as the present courts of common pleas and general sessions of the peace in the several counties, and shall have jurisdiction of all causes which may be appealed to or pending in the said courts of common pleas and general sessions of the peace in the respective counties; and shall be holden at the same times and places in the respective counties, as the said courts of common pleas, until the legislature shall otherwise prescribe; and all writs and processes which may be made returnable to the said courts of common pleas and general sessions of the peace, shall be returned to, and the same proceeding shall be had thereon in, the said circuit court of common pleas in each county, as might have been had thereon in the said courts of common pleas and general sessions of the peace.

Done in convention, at Newport, the third day of July, in the year one thousand eight hundred and twenty-four, and of American independence the forty eighth.

ELISHA R. POTTER,

*President of the Convention.*

Attest: CHRISTOPHER ELLERY ROBBINS,  
WELCOME ARNOLD BURGESS,

} *Secretaries.*

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No. 10.—(G.)

*The Constitution of the State of Rhode Island and Providence Plantations, adopted November, 1842.*

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for the civil and religious liberty which he hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and to transmit the same, unimpaired, to succeeding generations, do ordain and establish this constitution of government.

#### ARTICLE I.

##### *Declaration of certain constitutional rights and principles.*

In order effectually to secure the religious and political freedom established by our venerated ancestors, and to preserve the same for our posterity, we do declare that the essential and unquestionable rights and princi-

ples hereinafter mentioned shall be established, maintained, and preserved and shall be of paramount obligation in all legislative, judicial, and executive proceedings.

SECTION 1. In the words of the Father of his country, we declare that "the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all."

SEC. 2. All free governments are instituted for the protection, safety, and happiness of the people. All laws, therefore, should be made for the good of the whole; and the burdens of the State ought to be fairly distributed among its citizens.

SEC. 3. Whereas Almighty God hath created the mind free; and all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerable ancestors, in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment that a flourishing civil State may stand and be best maintained with full liberty in religious concerns: We therefore declare that no man shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfilment of his own voluntary contract; nor enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer, on account of his religious belief; and that every man shall be free to worship God according to the dictates of his own conscience, and to profess, and by argument to maintain, his opinion in matters of religion; and that the same shall in nowise diminish, enlarge, or affect his civil capacity.

SEC. 4. Slavery shall not be permitted in this State.

SEC. 5. Every person within this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

SEC. 6. The right of the people to be secure in their persons, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on complaint in writing, upon probable cause supported by oath or affirmation, and describing as nearly as may be the place to be searched, and the persons or things to be seized.

SEC. 7. No person shall be held to answer for a capital or other infamous crime, unless on presentment or indictment by a grand jury, except in cases of impeachment, or of such offences as are cognizable by a justice of the peace; or in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger. No person shall, after an acquittal, be tried for the same offence.

SEC. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted; and all punishments ought to be proportioned to the offence.

SEC. 9. All persons imprisoned ought to be bailed by sufficient surety, unless for offences punishable by death or by imprisonment for life, when the proof of guilt is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of



rebellion or invasion the public safety shall require it; nor ever, without the authority of the General Assembly.

SEC. 10. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining them in his favor, to have the assistance of counsel in his defence, and shall be at liberty to speak for himself; nor shall he be deprived of life, liberty, or property, unless by the judgment of his peers, or the laws of the land.

SEC. 11. The person of a debtor, when there is not strong presumption of fraud, ought not to be continued in prison after he shall have delivered up his property for the benefit of his creditor, in such manner as shall be prescribed by law.

SEC. 12. No ex post-facto law, or law impairing the obligation of contracts, shall be passed.

SEC. 13. No man in a court of common law shall be compelled to give evidence criminating himself.

SEC. 14. Every man being presumed innocent until he is pronounced guilty by the law, no act of severity which is not necessary to secure an accused person shall be permitted.

SEC. 15. The right of trial by jury shall remain inviolate.

SEC. 16. Private property shall not be taken for public uses without just compensation.

SEC. 17. The people shall continue to enjoy and freely exercise all the rights of fishery, and the privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State. But no new right is intended to be granted, nor any existing right impaired, by this declaration.

SEC. 18. The military shall be held in strict subordination to the civil authority. And the law martial shall be used and exercised in such cases only as occasion shall necessarily require.

SEC. 19. No soldier shall be quartered in any house, in time of peace, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

SEC. 20. The liberty of the press being essential to the security of freedom in a State, any person may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, unless published from malicious motives, shall be sufficient defence to the person charged.

SEC. 21. The citizens have a right in a peaceable manner to assemble for their common good, and to apply to those invested with the powers of government for redress of grievances, or for other purposes, by petition address, or remonstrance.

SEC. 22. The right of the people to keep and bear arms shall not be infringed.

SEC. 23. The enumeration of the foregoing rights shall not be construed to impair or deny others retained by the people.

## ARTICLE II.

### *Of the qualification of electors.*

SECTION 1. Every male citizen of the United States, of the age of twenty-

one year, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote six months next preceding the time of voting, and who is really and truly possessed, in his own right, of real estate in such town or city, of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved, or the interest of any incumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings, so long as he continues so qualified. And if any person hereinbefore described shall own any such estate within this State, out of the town or city in which he resides, he shall have a right to vote in the election of all general officers, and members of the General Assembly, in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

SEC. 2. Every [ ] male native citizen of the United States, of the age of twenty-one years, who has had his residence and home in this State two years, and in the town or city in which he may offer to vote six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year, and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as, with his other taxes, shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer, or collector of any town or city where such payment is made; or who, being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall (until other proof is required by law) prove by the certificate of the officer legally commanding the regiment, or chartered or legally authorized volunteer company, in which he may have served or done duty, that he has been equipped and done duty according to law, or, by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show, by legal proof, that he has for

and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of one dollar, or that he has been enrolled in a military company in this State, been equipped and done duty therein according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings: *Provided*, That no person shall at any time be allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall, within the year next preceding, have paid a tax assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

SEC. 3. The assessors of each town or city shall annually assess upon every person whose name shall be registered, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar; which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein. But no compulsory process shall issue for the collection of any registry tax: *Provided*, That the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax, for either of the two years next preceding the time of voting, is not paid or remitted as herein provided.

SEC. 4. No person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack, or military or naval station in this State; and no pauper, lunatic, person *non compos mentis*, person under guardianship, or member of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery, or of any crime deemed infamous at common law, be permitted to exercise that privilege, unless he be expressly restored thereto by act of the General Assembly.

SEC. 5. Persons residing on lands ceded by this State to the United States shall not be entitled to exercise the privilege of electors.

SEC. 6. The General Assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.

### ARTICLE III.

#### *Of the distribution of powers.*

The powers of government shall be distributed into three departments—the legislative, executive, and judicial.

### ARTICLE IV.

#### *Of the legislative power.*

SECTION 1. This constitution shall be the supreme law of the State, and



any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this constitution into effect.

SEC. 2. The legislative power under this constitution shall be vested in two houses—the one to be called the Senate, the other the House of Representatives; and both together, the General Assembly. The concurrence of the two houses shall be necessary to the enactment of laws. The style of their laws shall be, *It is enacted by the General Assembly as follows.*

SEC. 3. There shall be two sessions of the General Assembly holden annually—one at Newport, on the first Tuesday of May, for the purposes of election and other business; the other on the last Monday of October, which last session shall be holden at South Kingstown once in two years, and the intermediate years alternately at Bristol and East Greenwich; and an adjournment from the October session shall be holden annually at Providence.

SEC. 4. No member of the General Assembly shall take any fee, or be of counsel in any case pending before either house of the General Assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the house of which he is a member.

SEC. 5. The person of every member of the General Assembly shall be exempt from arrest, and his estate from attachment in any civil action, during the session of the General Assembly, and two days before the commencement, and two days after the termination thereof; and all process served contrary hereto shall be void. For any speech in debate, in either house, no member shall be questioned in any other place.

SEC. 6. Each house shall be the judge of the elections and qualifications of its members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be prescribed by such house, or by law. The organization of the two houses may be regulated by law, subject to the limitations contained in this constitution.

SEC. 7. Each house may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 8. Each house shall keep a journal of its proceedings. The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journal.

SEC. 9. Neither house shall, during a session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which they may be sitting.

SEC. 10. The General Assembly shall continue to exercise the powers they have heretofore exercised, unless prohibited in this constitution.

SEC. 11. The senators and representatives shall receive the sum of one dollar for every day of attendance, and eight cents per mile for travelling expenses in going to and returning from the General Assembly. The General Assembly shall regulate the compensation of the governor and all other officers, subject to the limitations contained in this constitution.

SEC. 12. All lotteries shall hereafter be prohibited in this State, except those already authorized by the General Assembly.

SEC. 13. The General Assembly shall have no power hereafter, without the express consent of the people, to incur State debts to an amount exceed-

ing fifty thousand dollars, except in time of war, or in case of insurrection or invasion ; nor shall they in any case, without such consent, pledge the faith of the State for the payment of the obligations of others. This section shall not be construed to refer to any money that may be deposited with this State by the Government of the United States.

SEC. 14. The assent of two thirds of the members elected to each House of the General Assembly shall be required to every bill appropriating the public money or property for local or private purposes.

SEC. 15. The General Assembly shall, from time to time, provide for making new valuations of property for the assessment of taxes, in such manner as they may deem best. A new estimate of such property shall be taken before the first direct State tax after the adoption of this constitution shall be assessed.

SEC. 16. The General Assembly may provide by law for the continuance in office of any officers of annual election or appointment, until other persons are qualified to take their places.

SEC. 17. Hereafter, when any bill shall be presented to either House of the General Assembly, to create a corporation for any other than for religious, literary, or charitable purposes, or for a military or fire company, it shall be continued until another election of members of the General Assembly shall have taken place ; and such public notice of the pendency thereof shall be given as may be required by law.

SEC. 18. It shall be the duty of the two Houses, upon the request of either, to join in grand committee for the purpose of electing Senators in Congress, at such times, and in such manner, as may be prescribed by law for said elections.

## ARTICLE V.

### *Of the House of Representatives.*

SECTION 1. The House of Representatives shall never exceed seventy-two members, and shall be constituted on the basis of population, always allowing one representative for a fraction exceeding half the ratio ; but each town or city shall always be entitled to at least one member ; and no town or city shall have more than one-sixth of the whole number of members to which the House is hereby limited. The present ratio shall be one representative to every fifteen hundred and thirty inhabitants ; and the General Assembly may, after any new census taken by the authority of the United States or of this State, re-apportion the representation by altering the ratio ; but no town or city shall be divided into districts for the choice of representatives.

SEC. 2. The House of Representatives shall have authority to elect its speaker, clerks, and other officers. The senior member from the town of Newport, if any be present, shall preside in the organization of the House.

## ARTICLE VI.

### *Of the Senate.*

SECTION 1. The Senate shall consist of the lieutenant governor, and of one senator from each town or city in the State.

SEC. 2. The governor, and, in his absence, the lieutenant governor, shall preside in the Senate and in grand committee. The presiding officer of the Senate and grand committee shall have a right to vote in case of equal division, but not otherwise.

SEC. 3. If, by reason of death, resignation, absence, or other cause, there be no governor or lieutenant governor present, to preside in the Senate, the Senate shall elect one of their own members to preside during such absence or vacancy; and until such election is made by the Senate, the secretary of state shall preside.

SEC. 4. The secretary of state shall, by virtue of his office, be secretary of the Senate, unless otherwise provided by law; and the Senate may elect such other officers as they may deem necessary.

#### ARTICLE VII.

##### *Of the executive power.*

SECTION 1. The chief executive power of this State shall be vested in a governor, who, together with a lieutenant governor, shall be annually elected by the people.

SEC. 2. The governor shall take care that the laws be faithfully executed.

SEC. 3. He shall be captain general and commander-in-chief of the military and naval forces of this State, except when they shall be called into the service of the United States.

SEC. 4. He shall have power to grant reprieves, after conviction, in all cases except those of impeachment, until the end of the next session of the General Assembly.

SEC. 5. He may fill vacancies in office not otherwise provided for by this constitution or by law, until the same shall be filled by the General Assembly or by the people.

SEC. 6. In case of disagreement between the two houses of the General Assembly, respecting the time or place of adjournment, certified to him by either, he may adjourn them to such time and place as he shall think proper: *Provided*, That the time of adjournment shall not be extended beyond the day of the next stated session.

SEC. 7. He may, on extraordinary occasions, convene the General Assembly at any town or city in this State, at any time not provided for by law; and in case of danger from the prevalence of epidemic or contagious disease in the place in which the General Assembly are by law to meet, or to which they may have been adjourned, or for other urgent reasons, he may, by proclamation, convene said Assembly at any other place within this State.

SEC. 8. All commissions shall be in the name and by authority of the State of Rhode Island and Providence Plantations; shall be sealed with the State seal, signed by the governor, and attested by the secretary.

SEC. 9. In case of vacancy in the office of governor, or of his inability to serve, impeachment, or absence from the State, the lieutenant governor shall fill the office of governor, and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next annual election.

SEC. 10. If the offices of governor and lieutenant governor be both va-



vacant, by reason of death, resignation, impeachment, absence, or otherwise, the person entitled to preside over the Senate for the time being, shall, in like manner, fill the office of governor during such absence or vacancy.

SEC. 11. The compensation of the governor and lieutenant governor shall be established by law, and shall not be diminished during the term for which they are elected.

SEC. 12. The duties and powers of the secretary, attorney general, and general treasurer, shall be the same under this constitution as are now established, or as, from time to time, may be prescribed by law.

#### ARTICLE VIII.

##### *Of elections.*

SECTION 1. The governor, lieutenant governor, senators, representatives, secretary of state, attorney general, and general treasurer, shall be elected at the town, city, or ward meetings, to be holden on the first Wednesday of April, annually; and shall severally hold their offices for one year, from the first Tuesday of May next succeeding, and until others are legally chosen and duly qualified to fill their places. If elected or qualified after the said first Tuesday of May, they shall hold their offices for the remainder of the political year, and until their successors are qualified to act.

SEC. 2. The voting for governor, lieutenant governor, secretary of state, attorney general, general treasurer, and representatives to Congress, shall be by ballot; senators and representatives to the General Assembly, and town or city officers, shall be chosen by ballot, on demand of any seven persons entitled to vote for the same; and in all cases where an election is made by ballot, or paper vote, the manner of balloting shall be the same as is now required in voting for general officers, until otherwise prescribed by law.

SEC. 3. The names of the persons voted for as governor, lieutenant governor, secretary of state, attorney general, and general treasurer, shall be placed upon one ticket; and all votes for these officers shall, in open town or ward meetings, be sealed up by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and deliver or send them to the secretary of state, whose duty it shall be securely to keep and deliver the same to the grand committee after the organization of the two houses at the annual May session; and it shall be the duty of the two houses, at said session, after their organization, upon the request of either house, to join in grand committee, for the purpose of counting and declaring said votes, and of electing other officers.

SEC. 4. The town and ward clerks shall also keep a correct list or register of all persons voting for general officers, and shall transmit a copy thereof to the General Assembly on or before the first day of said May session.

SEC. 5. The ballots for senators and representatives in the several towns shall, in each case, after the polls are declared to be closed, be counted by the moderator, who shall announce the result, and the clerk shall give certificates to the persons elected. If in any case there be no election, the polls may be re opened, and the like proceedings shall be had until an election shall take place: *Provided, however,* That an adjournment or adjourn-

ments of the election may be made to a time not exceeding seven days from the first meeting.

SEC. 6. In the city of Providence, the polls for senator and representatives shall be kept open during the whole time of voting for the day, and the votes in the several wards shall be sealed up at the close of the meeting by the wardens and ward clerks in open ward meeting, and afterwards delivered to the city clerk. The mayor and aldermen shall proceed to count said votes within two days from the day of election; and if no election of senator and representatives, or if an election of only a portion of the representatives shall have taken place, the mayor and aldermen shall order a new election, to be held not more than ten days from the day of the first election, and so on until the election shall be completed. Certificates of election shall be furnished by the city clerk to the persons chosen.

SEC. 7. If no person shall have a majority of votes for governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office, except when such a result is produced by rejecting the entire vote of any town, city, or ward, for informality or illegality; in which case, a new election by the electors throughout the State shall be ordered; and in case no person shall have a majority of votes for lieutenant governor, it shall be the duty of the grand committee to elect one by ballot from the two persons having the highest number of votes for the office.

SEC. 8. In case an election of the secretary of state, attorney general, or general treasurer should fail to be made by the electors at the annual election, the vacancy or vacancies shall be filled by the General Assembly, in grand committee, from the two candidates for such office having the greatest number of the votes of the electors. Or in case of a vacancy in either of said offices from other causes, between the sessions of the General Assembly, the governor shall appoint some person to fill the same until a successor elected by the General Assembly is qualified to act; and in such case, and also in all other cases of vacancies not otherwise provided for, the General Assembly may fill the same in any manner they may deem proper.

SEC. 9. Vacancies from any cause in the Senate or House of Representatives may be filled by a new election.

SEC. 10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the election of the persons voted for.

#### ARTICLE IX.

##### *Of qualifications for office.*

SECTION 1. No person shall be eligible to any civil office, (except the office of school committee,) unless he be a qualified elector for such office.

SEC. 2. Every person shall be disqualified from holding any office to which he may have been elected, if he be convicted of having offered, or procured any other person to offer, any bribe to secure his election, or the election of any other person.

SEC. 3. All general officers shall take the following engagement before they act in their respective offices, to wit: You ——— being by the free vote of the electors of this State of Rhode Island and Providence Planta-

tions, elected unto the place of ———, do solemnly swear (or affirm) to be true and faithful unto this State, and to support the constitution of this State and of the United States; that you will faithfully and impartially discharge all the duties of your aforesaid office to the best of your abilities, according to law: so help you God. Or, this affirmation you make and give upon the peril of the penalty of perjury.

SEC. 4. The members of the General Assembly, the judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to support this constitution, and the constitution of the United States.

SEC. 5. The oath, or affirmation, shall be administered to the governor, lieutenant governor, senators, and representatives, by the secretary of state, or, in his absence, by the attorney general. The secretary of state, attorney general, and general treasurer, shall be engaged by the governor, or by a justice of the supreme court.

SEC. 6. No person holding any office under the government of the United States, or of any other State or country, shall act as a general officer, or as a member of the General Assembly, unless, at the time of taking his engagement, he shall have resigned his office under such government. And if any general officer, senator, representative, or judge, shall, after his election and engagement, accept any appointment under any other government, his office under this shall be immediately vacated; but this restriction shall not apply to any person appointed to take depositions or acknowledgments of deeds, or other legal instruments, by the authority of any other State or country.

#### ARTICLE X.

##### *Of the judicial power.*

SECTION 1. The judicial power of this State shall be vested in one supreme court, and in such inferior courts as the General Assembly may, from time to time, ordain and establish.

SEC. 2. The several courts shall have such jurisdiction as may, from time to time, be prescribed by law. Chancery powers may be conferred on the supreme court, but on no other court, to any greater extent than is now provided by law.

SEC. 3. The judges of the supreme court shall, in all trials, instruct the jury in the law. They shall also give their written opinion upon any question of law, whenever requested by the governor, or by either house of the General Assembly.

SEC. 4. The judges of the supreme court shall be elected by the two houses in grand committee. Each judge shall hold his office until his place be declared vacant by a resolution of the General Assembly to that effect; which resolution shall be voted for by a majority of all the members elected to the house in which it may originate, and be concurred in by the same majority of the other house. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at said session, the judge shall hold his place as herein provided. But a judge of any court shall be removed from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.



SEC. 5. In case of vacancy by death, resignation, removal from the State, or from office, refusal or inability to serve, of any judge of the supreme court, the office may be filled by the grand committee, until the next annual election, and the judge then elected shall hold his office as before provided. In cases of impeachment, or temporary absence or inability, the governor may appoint a person to discharge the duties of the office during the vacancy caused thereby.

SEC. 6. The judges of the supreme court shall receive a compensation for their services, which shall not be diminished during their continuance in office.

SEC. 7. The towns of New Shoreham and Jamestown may continue to elect their wardens as heretofore. The other towns, and the city of Providence, may elect such number of justices of the peace, resident therein, as they may deem proper. The jurisdiction of said justices and wardens shall be regulated by law. The justices shall be commissioned by the governor.

#### ARTICLE XI.

##### *Of impeachments.*

SECTION 1. The House of Representatives shall have the sole power of impeachment. A vote of two-thirds of all the members elected shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

SEC. 2. All impeachments shall be tried by the Senate; and, when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted, except by vote of two thirds of the members elected. When the Governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

SEC. 3. The governor, and all other executive and judicial officers, shall be liable to impeachment; but judgment in such cases shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

#### ARTICLE XII.

##### *Of education.*

SECTION 1. The diffusion of knowledge, as well as of virtue, among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the General Assembly to promote public schools, and to adopt all means which they may deem necessary and proper to secure to the people the advantages and opportunities of education.

SEC. 2. The money which now is, or which may hereafter be, appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested, and remain a perpetual fund for that purpose.

SEC. 3. All donations for the support of public schools, or for other purposes of education, which may be received by the General Assembly, shall be applied according to the terms prescribed by the donors.

SEC. 4. The General Assembly shall make all necessary provisions by law for carrying this article into effect. They shall not divert said money, or fund, from the aforesaid uses; nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.

#### ARTICLE XIII.

##### *Of amendments.*

The General Assembly may propose amendments to this constitution by the votes of a majority of all the members elected to each house. Such propositions for amendment shall be published in the newspapers, and printed copies of them shall be sent to the secretary of state, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State. The said propositions shall be, by said clerks, inserted in the warrants or notices by them issued, for warning the next annual town and ward meetings in April; and the clerks shall read said propositions to the electors when thus assembled, with the names of all the representatives and senators who shall have voted thereon, with the yeas and nays, before the election of senators and representatives shall be had. If a majority of all the members elected to each house, at said annual meeting, shall approve any proposition thus made, the same shall be published and submitted to the electors in the mode provided in the act of approval; and if then approved by three fifths of the electors of the State present, and voting thereon in town and ward meetings, it shall become a part of the constitution of the State.

#### ARTICLE XIV.

##### *Of the adoption of this constitution.*

SECTION 1. This constitution, if adopted, shall go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-three. The first election of governor, lieutenant governor, secretary of state, attorney general, and general treasurer, and of senators and representatives under said constitution, shall be had on the first Wednesday of April next preceding, by the electors qualified under said constitution; and the town and ward meetings therefor shall be warned and conducted as is now provided by law. All civil and military officers now elected, or who shall be hereafter elected, by the General Assembly, or other competent authority, before the said first Wednesday of April, shall hold their offices, and may exercise their powers, until the said first Tuesday of May, or until their successors shall be qualified to act. All statutes, public and private, not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All charters, contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty three, and until the government under this constitution is duly organized.

SEC. 2. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been adopted.

SEC. 3. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places, and in each county, as the present supreme judicial court, until otherwise prescribed by the General Assembly.

SEC. 4. The towns of New Shoreham and Jamestown shall continue to enjoy the exemptions from military duty which they now enjoy, until otherwise prescribed by law.

Done in convention at East Greenwich, this fifth day of November, 1842.

JAMES FENNER, *President.*

HENRY Y. CRANSTON, *Vice President.*

THOMAS A. JENCKES, }  
WALTER W. UPDIKE, } *Secretaries.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*In Convention, November 5, A. D. 1842.*

*Resolved,* That the constitution framed by this convention be certified by the officers thereof, and, with the journal and papers of the convention, be deposited in the office of the secretary of state, who shall cause said constitution, together with this resolution, and all acts and resolutions of the General Assembly relating to this convention, to be printed and distributed according to law; and that said constitution be submitted to all the people who may be by law authorized to vote thereon, for their ratification or rejection, at town or ward meetings to be holden in the several towns and in the city of Providence, on Monday, Tuesday, and Wednesday, the 21st, 22d, and 23d days of November, A. D. 1842. The several town and city clerks shall issue the necessary warrants for said meetings. Said meetings shall be kept open for the reception of votes during the time herein specified, and longer if necessary, viz: from the hour of 9 o'clock in the forenoon until 4 o'clock in the afternoon; and in the town of Newport and city of Providence, until 7 o'clock in the evening on the days appointed.

In the first line of the second section of article second, relating to the qualification of electors, when the constitution is enrolled, there shall be a blank space left between the words *every* and *male*; and at the meetings hereinbefore appointed for voting upon the constitution, the following question shall also be separately submitted, to be voted upon by those who may be authorized to vote for or against said constitution, viz: "In case the constitution framed by the convention assembled at Newport in September, 1842, be adopted, shall the blank in the first line of section second of article second of said constitution be filled by the word *white*?" and a sufficient number of affirmative and negative ballots for this purpose shall be printed and distributed by the secretary. And in case said constitution be adopted, and there shall also be a majority of votes in favor of filling said blank with said word *white*, the General Assembly shall cause the blank to be so filled, and the same shall be a part of said constitution, in the same manner as if originally inserted therein by this convention. But if there be a majority of votes against filling said blank as aforesaid, the constitution shall be printed without said blank. And if said constitution be not adopted, the



vote taken in relation to said word *white* shall be of no effect. And the town and ward clerks shall keep separate lists of the votes of all colored persons under the second section of the article on the qualifications of electors, who may vote on the question of the adoption of the constitution, and also on the question of the insertion of the word *white* in said section; and these ballots shall be placed in separate parcels in the sealed packages of ballots, to be returned by the town and ward clerks to the General Assembly.

The ballots upon the adoption of said constitution, and also upon the question in relation to said word *white*, shall be returned to the next session of the General Assembly holden after the meetings herein appointed, in order that they may cause the votes to be counted, and the result declared.

Read and adopted.

THOS. A. JENCKES, *Secretary.*

IN CONVENTION, *November 5, 1842.*

*Resolved*, That the town and city clerks give immediate notice of the time appointed by this convention for voting upon this constitution, and also of the time appointed for the completion of the registry of votes according to the provisions of section second, article second, of said constitution; and that the secretary of the convention cause copies of this resolution to be forwarded to all the town and city clerks in the State.

Read and adopted.

THOS. A. JENCKES, *Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, June session, A. D. 1842.*

AN ACT to provide for calling a convention of the people of this State for the purpose of forming a new constitution or form of government for the people thereof.

*Be it enacted by the General Assembly as follows:*

SECTION 1. The people of the several towns in this State, and of the city of Providence, qualified to vote as hereinafter provided, are hereby requested, at the town or ward meetings holden on the last Tuesday of August next, to choose so many delegates as they will be severally entitled to, according to the provisions of this act, to attend a convention to be holden at Newport, on the second Monday of September next, to frame a new constitution for this State, either in whole or in part, with full powers for that purpose.

SEC. 2. A majority of the whole number of delegates which all the towns and city of Providence are entitled to elect, shall constitute a quorum, who may elect a president, secretaries, and other officers, judge of the election and qualification of members, punish contempts, and establish such rules and proceedings as they may deem proper. Said convention may adjourn to any place they may think proper. Any town or city which may fail to elect its delegates at the time prescribed, may choose them at any time before the meeting of the convention; and vacancies, from resignations or otherwise, may be filled at any time by a new election.

SEC. 3. The constitution or articles agreed upon by the convention shall be submitted to those qualified to vote as hereinafter provided, in open town or ward meetings, to be held on such day or days, and in such time and manner as the convention shall direct. The constitution or articles shall be certified by the president and secretaries, and, with the journal and papers of the convention, deposited in the office of the secretary of state, who shall immediately distribute to the several town and city clerks, in due proportion, five thousand printed copies of the constitution or articles, in pamphlet form, and also thirty thousand ballots; on one side of which shall be printed "Constitution, or articles proposed by the convention holden at Newport on the second Monday of September, A. D. 1842;" and on the other side thereof shall be written or printed the word "adopt" on one half of them, and the word "reject" on the other half. He shall also cause said constitution or articles to be published in any other manner the convention may prescribe.

SEC. 4. At said town or ward meetings, every person voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meetings by the clerks, and, with lists of the voters, be returned to the General Assembly, at the next session thereof, who shall cause the votes to be examined and counted; and if said constitution or articles be adopted by a majority of the persons having a right to vote, the same shall go into operation at such time or times, and in such manner, as shall be appointed by the convention.

SEC. 5. The delegates to said convention shall be elected upon a basis of population according to the census of 1840, as follows: Every town of not more than 3,000 inhabitants may elect two delegates; over 3,000, and not over 6,000, three delegates; over 6,000, and not over 10,000, four delegates; over 10,000, and not over 15,000, five delegates; and over 15,000, six delegates.

SEC. 6. In the choice of delegates to said convention, the following descriptions of persons shall be admitted to vote: All those who are qualified to vote for general officers by existing laws, and all native male citizens of the United States, (except Narragansett Indians, convicts, paupers, persons under guardianship and *non compos mentis*.) who are of the age of 21 years and upwards, and who shall have had their permanent residence or home within this State for the period of three years next preceding their voting, and in the town or city wherein they offer to vote for the period of one year next preceding such voting, and who shall have had their names recorded with the town or city clerk of the town or city in which they shall offer to vote, in proper books, to be kept by said town or city clerk for that purpose, at least ten days before the day of voting. In voting upon the adoption or rejection of said constitution or articles, in addition to those who are qualified to vote for general officers by the existing laws, all those shall be admitted to vote who will be qualified to vote for general officers under the provisions of said constitution or articles, if in force; but this provision shall not be construed to give to any person a right to vote at any town or ward meeting, held under and by virtue of this act, upon any other question or questions than the questions herein specifically named.

SEC. 7. The delegates shall receive the same compensation for attendance as members of the General Assembly, payable upon the certificate of the secretary.

SEC. 8. A sum, not exceeding five hundred dollars, is hereby appropri-

ated for defraying the expenses of said convention, to be paid out of the treasury to the order of the president thereof.

SEC. 9. It shall be the duty of the town, city, and ward clerks to warn, according to law, the meetings hereby appointed, and those which may be ordered by said convention.

SEC. 10. Any fourteen members of the convention, including the president, (if there be one,) shall have full power and authority to compel the attendance of absent members. It shall be the duty of the sheriff of the county where the convention shall be in session, to attend said convention, and execute the orders thereof.

SEC. 11. Whenever in any town or ward meeting holden under this act, any dispute shall arise as to any person's residence, or other qualifications, the moderator or warden, or person presiding in said meetings, shall have authority to examine, under oath, the person offering to vote, and other persons who may be present, respecting the same, and decide upon his qualification, subject to review by the General Assembly.

A true copy:—Witness,

HENRY BOWEN, *Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In Convention at Newport, September 29, 1842.*

Whereas, from the manifest impracticability of ascertaining the precise number of persons that might have a right to vote on the adoption of any constitution to be submitted for adoption under the provisions of the act calling this convention, it is inferrible that it is the true intent of said act that none but those actually voting should be counted: and whereas there is an ambiguity in said act in this particular: Therefore,

*Resolved*, That the General Assembly be requested to pass such declaratory law as may be deemed necessary for the plainer expression of the intent and meaning of the act aforesaid.

Read and adopted.

THOMAS A. JENCKES, *Secretary.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, October session, A. D. 1842.*

AN ACT to amend "An act to provide for calling a convention of the people of this State for the purpose of forming a new constitution or form of government for the people thereof," passed at the June session, A. D. 1842.

Whereas the convention which assembled at Newport on the second Monday of September last, in pursuance of the provisions of the act aforesaid, have requested this General Assembly to declare the true intent and construction of a portion of the fourth section of said act: Therefore,

*Be it enacted by the General Assembly as follows:*

If the constitution or articles that may be framed and submitted to the people under the provisions of said act, be adopted by a majority of the persons having a right to vote, and actually voting, upon the question of adopting the same, the said constitution or articles shall become the su-



preme law of the State ; and shall go into operation at such time or times, and in such manner, as shall be appointed by said convention.

True copy :—Witness,

HENRY BOWEN, *Secretary.*

SECRETARY'S OFFICE,  
*Providence, November 7, 1842.*

I certify the foregoing constitution and resolutions of the convention, and acts of the General Assembly, to be true copies of the records in my office.

Witness,

HENRY BOWEN, *Secretary.*

### No. 11.—(H.)

#### *Ratification of the constitution of the United States by the convention of the State of Rhode Island and Providence Plantations.*

We, the delegates of the people of the State of Rhode Island and Providence Plantations, duly elected and met in convention, having maturely considered the constitution for the United States of America, agreed to on the seventeenth day of September, in the year one thousand seven hundred and eighty-seven, by the convention then assembled at Philadelphia, in the Commonwealth of Pennsylvania, (a copy whereof precedes these presents,) and having also seriously and deliberately considered the present situation of this State, do declare and make known—

I. That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity ; among which, are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

II. That all power is naturally vested in, and consequently derived from, the people ; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.

III. That the powers of government may be reassumed by the people whensoever, it shall become necessary to their happiness ; that the rights of the States, respectively, to nominate and appoint all State officers, and every other power, jurisdiction, and right, which is not by the said constitution clearly delegated to the Congress of the United States, or to the departments of government thereof, remain to the people of the several States, or their respective State governments, to whom they may have granted the same ; and that those clauses of the constitution which declare that Congress shall not have or exercise certain powers, do not imply that Congress is entitled to any powers not given by the said constitution, but such clauses are to be construed either as exceptions to certain specified powers, or as inserted merely for greater caution.

IV. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence ; and, therefore, all men have an equal, natural, and unalienable right to the free exercise of religion, according to the dic-

tates of conscience; and that no particular religion, sect, or society, ought to be favored or established by law, in preference to others.

V. That the legislative, executive, and judicial powers of government should be separate and distinct; and that the members of the two first may be restrained from oppression, by feeling and participating the public burdens, they should at fixed periods be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible, or ineligible, as the rules of the constitution of government and the laws shall direct.

VI. That elections of representatives in the legislature ought to be free and frequent; and all men having sufficient evidence of permanent common interest with, and attachment to, the community, ought to have the right of suffrage; and no aid, charge, tax, or fee can be set, rated, or levied upon the people, without their own consent, or that of their representatives so elected; nor can they be bound by any law to which they have not in like manner assented for the public good.

VII. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital and criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence, and be allowed counsel in his favor, and to a fair and speedy trial by an impartial jury of his vicinage, without whose unanimous consent he cannot be found guilty, (except in the government of the land and naval forces,) nor can he be compelled to give evidence against himself.

IX. That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges, or franchises, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the trial by jury, or by the law of the land.

X. That every freeman restrained of his liberty is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same if unlawful; and that such remedy ought not to be denied or delayed.

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury, as hath been exercised by us and our ancestors, from the time whereof the memory of man is not to the contrary, is one of the greatest securities to the rights of the people, and ought to remain sacred and inviolate.

XII. That every freeman ought to obtain right and justice, freely and without sale, completely and without denial, promptly and without delay; and that all establishments or regulations contravening these rights are oppressive and unjust.

XIII. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

XIV. That every person has a right to be secure from all unreasonable searches and seizures of his person, his papers, or his property; and, therefore, that all warrants to search suspected places, or to seize any person, his papers, or his property, without information upon oath, or affirmation of sufficient cause, are grievous and oppressive; and that all general warrants (or such in which the place or person suspected is not particularly designated) are dangerous, and ought not to be granted.

XV. That the people have a right to freedom of speech, and of writing and publishing their sentiments. That the freedom of the press is one of the greatest bulwarks of liberty, and ought not to be violated.

XVI. That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every person has a right to petition or apply to the legislature for redress of grievances.

XVII. That the people have a right to keep and bear arms; that a well-regulated militia, including the body of the people capable of bearing arms, is the proper, natural, and safe defence of a free State; that the militia shall not be subject to martial law, except in time of war, rebellion, or insurrection; that standing armies in time of peace are dangerous to liberty, and ought not to be kept up, except in cases of necessity; and that at all times the military should be under strict subordination to the civil power; that, in time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, only by the civil magistrate, in such manner as the law directs.

XVIII. That any person religiously scrupulous of bearing arms ought to be exempted upon payment of an equivalent to employ another to bear arms in his stead.

Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution, and in confidence that the amendments hereafter mentioned will receive an early and mature consideration, and, conformably to the fifth article of said constitution, speedily become a part thereof,—we, the said delegates, in the name and in the behalf of the people of the State of Rhode Island and Providence Plantations, do by these presents assent to and ratify the said constitution. In full confidence, nevertheless, that until the amendments hereafter proposed shall be agreed to and ratified, pursuant to the aforesaid fifth article, the militia of this State will not be continued in service out of this State for a longer term than six weeks, without the consent of the legislature thereof; that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators or Representatives, unless the legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstance be incapable of making the same; and that in those cases, such power will only be exercised until the legislature of this State shall make provision in the premises; that the Congress will not lay direct taxes within this State, but when the moneys arising from impost, tonnage, and excise shall be insufficient for the public exigencies, nor until the Congress shall have first made a requisition upon this State to assess, levy, and pay the amount of such requisition, made agreeable to the census fixed in the said constitution, in such way and manner as the legislature of this State shall judge best, and that the Congress will not lay or make any capitation or poll tax.

Done in convention, at Newport, in the county of Newport, in the State of Rhode Island and Providence Plantations, the twenty-ninth day of May, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

By order:

DANIEL OWEN, *President.*

Attest: DANIEL UPDIKE. *Secretary.*



## No. 12.—(K.)

## DEMOCRATIC STATE CONVENTION.

TUESDAY AFTERNOON, *December 20, 1842.*

The convention for the re organization of the democratic party of this State, re-assembled at Washington Hall in this city, pursuant to adjournment. A large number of delegates were in attendance at an early hour.

President Wilmarth N. Aldrich, esq., called the convention to order, and the secretary read the roll of members.

The following gentlemen were added as delegates to the several towns, as follows:

*Glocester*.—Wm. Luther, Horace Kimball.

*Tiverton*.—Gilbert H. Evans.

*Cumberland*.—David Whipple.

*Portsmouth*.—Peleg Thurston.

*Warwick*.—James Fisher, Wm. Carder.

*West Greenwich*.—James Battey. (Not represented before.)

*Smithfield*.—Dr. Marsh, Elisha Smith.

*Newport*.—Jeremiah Bliss.

*Providence*.—Philip B. Stiness, Wm. B. Mann.

*Burrillville*.—Stephen Vallet, Erastus Mathewson.

*Richmond*.—Judge James, General Sisson.

On motion, Henry Lord was appointed doorkeeper.

A set of resolutions, lying on the table from last meeting, were called up; and after some discussion, the 1st and 2d sections were stricken out, and the following resolutions adopted in their stead:

*Resolved*, That a State central committee of seven persons be appointed, whose duty it shall be to carry out the organization of the democratic party, according to the plan devised by this convention, and to call State conventions whenever they may deem it necessary for the purpose of organizing a State ticket of general officers, or the choice of Representatives to Congress, or for other purposes.

*Resolved*, That a State committee to consist of thirty six persons, one from each town, and one from each ward of the city of Providence, be appointed.

The third resolution was amended and adopted, and is as follows:

*Resolved*, That the State committee in the respective towns be individually authorized to call a convention of the democracy and friends of equal rights in the town or city in which he resides, for the purpose of organizing the democratic party, appointing committees, delegates to represent them in State conventions, and for ascertaining their views upon important subjects affecting their welfare.

The fourth and last of the resolutions was amended and adopted, and is as follows:

*Resolved*, That the appointment of the State committees shall continue until otherwise ordered by a democratic convention.

The following resolution was adopted:

*Resolved*, That a committee of twelve be appointed to prepare and present to this convention resolutions and such business as they may deem necessary.

The committee was appointed—four from the county of Providence, and two from each of the other counties, as follows:

*Newport county.*—William Ennis, George Howland.

*Providence county.*—Dexter Randall, Dr. Ballou, John S. Harris, Jonah Titus.

*Kent county.*—John R. Waterman, William Carder.

*Washington county.*—Alfred Updike, Wm. B. Bliven.

*Bristol county.*—Nathan Bardin, John K. Barney.

A vote passed that the Chair appoint a committee to nominate the State central committee.

A vote passed appointing Burrington Anthony a committee to apply for the State house for the use of the convention.

On motion, the towns were called in order, and the following persons were appointed the State committee:

*Providence*—

*First ward.*—David Burt.

*Second ward.*—Benjamin Cowell.

*Third ward.*—Edward S. Underwood.

*Fourth ward.*—Walter R. Danforth.

*Fifth ward.*—Franklin Cooley.

*Sixth ward.*—John S. Harris.

*Newport.*—Robert R. Carr.

*Barrington.*—Wilmarth Heath.

*Portsmouth.*—Isaac S. Corry.

*North Kingstown.*—George T. Nichols.

*Smithfield*—(Greenville)—Asa Winsor.

*East Greenwich.*—Silas Weaver.

*Foster*—(South)—Henry Hopkins.

*Westerly.*—Joseph Hiscox.

*Coventry.*—James A. Fenner.

*Warwick*—(Pawtuxet)—James Fisher.

*N. Providence*, (Pawtucket)—Joseph T. Sisson.

*Cranston.*—Anson Potter.

*Cumberland.*—Fenner Brown.

*Glocester.*—Jesse S. Tourtellot.

*Johnston.*—Earl Knight.

*Bristol.*—Nathan Bardin.

*Scituate*—(South)—Horace S. Patterson.

*Warren.*—Benjamin M. Bosworth.

*Exeter.*—Henry B. Joslin.

*New Shoreham.*—Samuel Dunn.

*S. Kingstown*—(Wakefield)—Perry G. Underwood.

*Hopkinton.*—Joseph Spicer, jr.

*Middletown.*—Jonathan Northup.

*Richmond.*—Silas R. Kenyon.

*Charlestown.*—Joseph Gavitt.

*Burrillville.*—Eddy Keach.

*Tiverton.*—Allen Durfee.

*W. Greenwich.*—Amos Whitford.

*Little Compton.*—Nathaniel Tompkins.

*Jamestown.*—George Anthony.

The following resolution was offered, read, and passed :

*Resolved*, That the State central committee shall have power to fill all vacancies that may occur in the State committee.

The committee appointed to procure the State-house for the convention to sit in, reported that it could be had after 6½ o'clock, p. m.; and a vote passed that when the convention do adjourn, it adjourn to meet in the State-house at half-past 6 o'clock, p. m.

Mr. Pearce called for the reports of the committee of the several towns, appointed at the last session, to get the views of their constituents in relation to the registry of their names.

The reports of the committee were generally favorable, and most of the towns had already taken the necessary steps to have a full registration.

The convention then adjourned.

*Evening, 6½ o'clock.*—The convention met in the State-house, pursuant to adjournment.

The secretary read the roll, and the members took their seats by towns, as they were called.

A vote passed that a letter from one of the members of this convention, Elisha R. Potter, published in a city paper this afternoon, relating to political affairs in this State, be read.

After the reading of the letter, on motion of Mr. Pearce, a committee of five was appointed to whom were referred the letter, and a resolution lying on the table from the last session.

The Chair appointed the following persons as a committee to nominate the State central committee :

D. J. Pearce, Wm. Ennis, T. F. Carpenter, David Burt, J. R. Waterman, Christopher Smith, Afred Updike, Ariel Ballou.

The committee appointed to prepare resolutions and business of the convention, made the following report, and it was read and received.

After a short discussion on one of the resolutions, the entire report was unanimously adopted as it came from the committee.

#### REPORT.

*Resolved*, That "the right of the people" to institute government, and to organize "its powers in such forms as to them shall seem most likely to effect their safety and happiness," and "to alter or to abolish" that government, which has become either oppressive or "destructive of the ends" for which it was established, and to substitute in its stead "new government," is their unalienable right, and the only sure basis of all popular governments.

*Resolved*, That the democratic principles avowed by all the republicans in the convention which framed the federal constitution, and maintained by Jefferson and his republican successors in the presidential office, and by the entire democratic party in the Union, are the only principles on which republican government can be organized, and by which its administration can be safely and successfully conducted.

*Resolved*, That as democrats and as citizens of this State, we may well differ upon the provisions of any fundamental law proposed or in force; but the original right of the people to make or alter their fundamental law



at any time, without authority or a request of the existing government, is an *American right*, which the democracy of this State and of the whole country will never surrender.

*Resolved*, That the anti democratic doctrines avowed by John Adams, advocated by Hamilton and his associates in the federal convention, and maintained by the elder Adams and his federal successors in the presidential office, and by the federal or whig party throughout the country, are the doctrines of *monarchies* and *aristocracies*, and the government of *the few over the many*.

*Resolved*, That in the measures and policy pursued by the whig majorities in the present Congress, we see again revived the favorite measures and policy by which the federal party have ever struggled to warp the government into the accomplishment of their plans, and to estrange it from the principles upon which it was founded, and to mar the purity which has ever marked the administration of every republican President.

*Resolved*, That the necessary and obvious tendency of the doctrines and policy of the present Congress leads directly to enlarge the powers of the government, and to restrict and consolidate all powers of legislation to its legislative branches, wholly independent of the controlling negative of the executive department; and that Henry Clay's proposition to procure an amendment to the constitution, which would abolish the veto power, is one of the avowed means by which this great scheme of mischief is sought to be accomplished.

*Resolved*, That among the promised benefits and reform which were to follow the ascendancy of the present whig administration, are a treasury (received by them unembarrassed with debt, and with resources enough to meet all current demands) at the end of eighteen months exhausted; bills protested on its counter; embarrassed with a debt of nearly thirty millions of dollars; public credit prostrated; the national character declining; the public finances deranged; perpetual sessions of Congress; the halls of legislation in confusion; riotous wrangling among the members; the different departments of government at variance with each other; cabinets broken up and remodelled; enactments made and rescinded; the proceeds of the land sales distributed; loans resorted to; extravagant appropriations; loose expenditures permitted; bank charters granted and vetoed; a tariff "*of abominations*" established; an odious and unjust bankrupt law; the compromise act overturned; the constitutional rights of the States and of the people in the choice of representatives, violated and invaded; alarming projects of assuming the State debts incurred by them for internal improvements; in fine, a revival of all the measures which it has ever been the policy and aim of the federal party to establish, for the purpose of moulding the government to their *favorite model*, and to warp it from its republican tack.

*Resolved*, That to correct and check the further prosecution of the proposed measures of this administration, and to restore the government to the hands of the democratic party, it is the imperious duty of the entire and united democracy of the country to unite and organize its forces, and with energetic efforts to expel, through the ballot boxes, the present administration from the possession of the government.

*Whereas* the democracy of other States have invited action on the expediency of holding a national democratic convention, to nominate candidates for President and Vice President at the next election—

*Therefore resolved,* That to secure harmony, union, and concert of action in the republican party throughout the Union, we approve the expediency of such convention, to be composed of delegates elected according to the usages of the republican party in the several States; that we will take measures to elect delegates to such convention; and that we will support the candidates fairly made and selected by it for the next President and Vice President of the United States; and that we hereby request the republican members of Congress during the present session to fix the time and place for holding such convention, as the best method of concentrating public opinion on the subject.

*Resolved,* That the public affairs of the State of Rhode Island are in a deranged state, brought about by the unjustifiable and arbitrary councils of the present State administration, which seems to have been actuated by motives more calculated to perpetuate themselves in power, than for a proper regard for the lives, liberties, and equal rights of her citizens, and the security of property.

*Resolved,* That the public debt, and the means by which it has accumulated—the extravagant and profligate expenditures which have marked the course of the State administration—the conversion of the school fund to purposes foreign from its object—and the general system of management of its affairs, are subjects of deep interest to the people, and ought to be rigidly scrutinized and examined.

*Resolved,* That as every government is more or less republican only in proportion as it embodies the popular will, and the free “consent of the governed,” we view with feelings of anxiety for the future happiness and prosperity of the people of this State, the extraordinary measures and means adopted by its administration to impose upon the people the constitutional form of government, not “deriving its just powers from the consent” of the majority, but sanctioned and ratified by a minority only, as the reassertion of that aristocratic principle which holds “that the mass of mankind have not sufficient intelligence and virtue to participate in the management of public affairs,” and teaches the abhorrent “right of the few to govern the many.”

*Resolved,* That, among the equal rights of man, are “the right and justice” of equal suffrage and equal representation. That to obtain these freely, and without being obliged to purchase them, is one of the main pillars in the fabric of civil liberty, and guaranteed and protected by our bill of rights. We hold, therefore, that the provision in the new constitution, exacting the payment of the dollar tax at the registry of a name, is repugnant to, and in violation of, this sacred principle. However repulsive to our feelings, and galling to our rights, this unjust requirement may be; yet, as citizens, desiring to preserve the public peace, we do hereby earnestly recommend to all democratic republicans, not otherwise qualified, to register their names, and pay this loathed price of liberty, and thus be prepared, at the ballot-box, to assert and vindicate their rights, which have been so long denied to them by an arbitrary and despotic power.

*Resolved,* That in recommending this course, and in order to avoid all doubt or misconstruction of our purposes, we explicitly avow our object to be, to accomplish in a satisfactory manner, and with the least delay, the establishment in fact, as well as in right, of the people’s constitution.

*Resolved,* That we hold the late exposition of the whig policy, as indicated in the polluted columns of the Journal, over the signature of “Nar-

ragansett," denouncing the friends of democracy and equal rights as insurgents and French Jacobins, because they have resolved to redress their grievances and assert their rights, by complying peaceably with the steps prescribed by the government itself, as the phrenzied essays of an alarmed aristocrat, esconced in leisure and education, by an accidental acquisition of wealth, as insurrectionary in their tendency, and unworthy of imitation.

*Resolved*, That, in the new organization of the Rhode Island party, we see a change of whig organization, but do not see a change of principles; and that it is only another attempt to preserve the power of the government in their own hands, and an artifice to decoy republicans from their political faith, and make them the instruments of promoting whig policy and carrying out whig measures.

*Resolved*, That we hold the exercise of the power by the General Assembly to declare martial law, was an open unjustifiable usurpation of the power itself, in derogation of the rights and powers of the military commanders duly appointed and commissioned, and in whom the right and power "*to use and declare the law martial*" alone was vested by the charter; and that the appointment and commission of William Gibbs McNeil as major general by the governor and council, was without law and against law, nugatory and void—consequently, all the official acts of that officer were nugatory and void; and that the united indignation of an outraged people, whose lives, rights, and property were jeopardized by the military operations during the late difficulties, ought to and must rest upon the governor and council by whom he was so appointed.

The above committee also gave notice that an address to the people had been prepared; but, as it was of great length, it was not read. It was received and adopted, and ordered to be published.

The committee appointed to nominate the State central committee reported the following gentlemen, and they were chosen:

#### STATE CENTRAL COMMITTEE.

*Providence county.*—Dexter Randall, John S. Harris, and David Burt.

*Newport county.*—William Ennis.

*Kent county.*—James Fisher.

*Washington county.*—George T. Nichols.

*Bristol county.*—Nathan Bardin.

On motion, it was ordered that the secretaries notify the standing committee of their appointment. The following resolutions, offered by General Carpenter, were unanimously adopted:

*Resolved*, That the thanks of this convention are due to, and are hereby tendered to, Wilmarth N. Aldrich, for the fidelity and ability with which he has discharged the duties of their presiding officer.

*Resolved*, That the thanks of this convention be tendered to Peter W. Ferris, Levi Salisbury, and William J. Miller, the secretaries of the convention, for their diligence and able discharge of the duties of their office.

A vote passed that the committee to whom were referred the letter of Eli-sha R. Potter and other matters, be discharged.

The following resolution were read and passed, and the convention dissolved:



*Resolved*, That the proceedings of this convention be signed by the president and secretaries, and published in the democratic papers.

WILMARTH N. ALDRICH, *President.*

PETER W. FERRIS, }  
LEVI SALISBURY, } *Secretaries.*  
WM. J. MILLER, }

The following preamble and resolution, offered by Dr. Ballou, of Cumberland, was passed unanimously before the convention dissolved :

Whereas certain leading and influential men, formerly acting with the democratic party, have allied themselves with those who are the foes of popular liberty, and denied the cardinal principles of democracy, and aided materially in the establishing despotic power in this State : therefore,

*Resolved*, That, by this course, they have forfeited all claims to democratic principles, and to the confidence of that party in this State and of the Union.

#### MEETING IN THE FIFTH WARD.

A meeting of the friends of democracy and equal rights, belonging to the fifth ward, was held on Monday evening last, at Washington Hall. Mr. Benjamin Arnold, jr., was chosen to preside as chairman, and P. W. Ferris was appointed secretary.

A committee of three, consisting of Messrs. Philip B. Stiness, P. W. Ferris, and David Parmenter, were chosen to draught resolutions for the meeting.

Messrs. Bradley, Whipple, and Anthony, were appointed a committee to canvass the ward and superintend the registry of names.

Col. F. Cooley, Adnah Sackett, and Ephraim Richmond were appointed a committee of finance.

Messrs. Ferris, Stiness, and Arnold were appointed a committee of correspondence.

The following resolutions were then reported by the committee appointed for that purpose :

*Resolved*, That the people of this State, in the free exercise of their inherent and legitimate sovereignty, have formed for themselves a constitution of government ; but that they have been prevented from carrying it into operation, by a lawless military force.

*Resolved*, That we consider the thing termed a constitution, recently adopted by a small though wealthy faction in this State, to be both illegal in its origin, and unequal and unjust in its provisions ; and that therefore it is not of right the paramount law of the State.

*Resolved*, That, in organizing a form of government under this constitution, we intend to do no more than to give the people an opportunity to carry out their own will, in opposition to that of the unprincipled despots who would control the free exercise of their unalienable rights.

*Resolved*, That we recommend to the friends of the people's constitution to register their names, and otherwise qualify themselves to act at the coming election, and to hurl those petty tyrants from the offices which they unworthily fill.

*Resolved*, That, in qualifying ourselves to act under the Algerine constitution, and in using such means as may be put in our power, through the

forms of "law and order," to cast aside this most odious form of government, and to rear upon its ruins the constitution legally made and adopted by the people, we believe we are performing a solemn duty which we owe to our God, to our country, and to our posterity.

*Resolved*, That we have the utmost confidence in the honesty and integrity of Thomas Wilson Dorr, and that we believe him to be an incorruptible patriot, a profound statesman, as well as the champion of equal rights; and that he fully deserves the esteem and confidence of the democracy of our whole country.

*Resolved*, That the conduct of John Tyler, acting President of the United States, in the part he took in aiding the Algerines, and thus depriving the honest mechanics and workingmen of this State of their just rights, has struck a blow at the vitals of our republican institutions, and that he is deserving the unqualified censure of the democracy of the whole Union.

*Resolved*, That we cheerfully accept the challenge of our friends in the sixth ward, and that we will endeavor to show them that we can not only beat them, but any other ward or town in the State, in proportion to our population.

BENJAMIN ARNOLD, JR., *Chairman*.

P. W. FERRIS, *Secretary*.

#### MEETING AT GLOCESTER.

On Saturday evening last, the friends of democracy and equal rights held a meeting at the house of General Sprague, for the purpose of taking into consideration the expediency of registering preparatory to the spring election.

The meeting was organized by the choice of Charles S. Slocum as chairman, and Ezra Hawkins, secretary. The meeting was then addressed by Dr. Brown and P. B. Stiness, of Providence, showing, in a clear and definite manner, the propriety of registering according to "*law and order*."

The following preamble and resolution were offered by Thomas O. Evans, esq.:

Believing that some united and definite plan of operation should be agreed upon by the suffrage party of this State, and believing that the only practicable course now known is to register our names according to the provisions of the Algerine constitution: therefore,

*Resolved*, (as the sense of this meeting,) That it is the duty of every man, who is in favor of establishing the people's cause in this State, and hurling from power those men who have so disgraced their station, to register their names, and be prepared to consign them to that oblivion to which they belong.

CHARLES S. SLOCUM, *Chairman*.

EZRA HAWKINS, *Secretary*.

## No. 13.

*Testimony of Welcome B. Sayles.*

1. Question by the committee. Were you a resident citizen of the State of Rhode Island at the time of the declared adoption of the people's constitution, (so called,) and the organization of a government under the same? And if so, how long had you been such?

Answer. I was a resident citizen of the State of Rhode Island, and a "freeman at the time of the adoption of the people's constitution, so called," and also at the time of an organization of the government under the same; and had been a resident of said State for more than ten years prior to said acts.

2. Question by the committee. Did you take an active part in the proceedings of the people, which resulted in the holding of a State convention, the framing of a constitution, and the declared adoption of the same? And if so, you will give some account of those proceedings, so far as they came under your personal observation, or are within your knowledge.

Answer. I did take an active part in the proceedings of the people, from the commencement, which resulted in the holding of a State convention, which framed a constitution that was submitted to the people, in accordance with its provisions; and which constitution, upon the re-assembling of the convention for the purpose of examining and counting the votes, was declared to be adopted; so much so, at least, as to be familiar with those proceedings in a considerable portion of the State, and which I will briefly state:

In the fall of 1840, the subject of a written republican constitution, securing an extension of suffrage and a more equal representation, with other reforms, was again agitated in Rhode Island; and an association was formed in Providence, called the Rhode Island Suffrage Association, soon followed by similar associations throughout the State. Frequent meetings for discussion and lectures were holden, and united efforts made to diffuse general information upon the subject of equal rights and political liberty, and to *concentrate* public opinion upon the best mode of accomplishing the great objects in view, and which had so often been sought for in vain. The association with which I was immediately connected, and believed to be the second formed in the State, from the nature of circumstances, took a very active part in these proceedings; being greatly interested in the objects to be obtained, as will be seen by the following facts. The village in which this (the "Woonsocket Suffrage Association") was formed, lying partly in each of the towns of Cumberland and Smithfield, and containing about 3,000 population; and the whole number of voters supposed, at most, not to exceed 150, or 1 to 20 of population. The said towns, containing about 15,000 population—nearly one-seventh of the whole population of the State—had but four representatives in the popular branch of the government, which body consisted of 72 members. This association was formed by, and consisted of, persons of both political parties, and avoided all political subjects, aside from the objects directly in view. The president of this association was Doctor Ariel Ballou, *one of your memorialists*, and one of the most respectable, intelligent, and influential citizens of the State, and highly honored in his profession; he was, and is, a democrat. The secretary of this association was an active whig. I speak of the politics of the officers



to show that we avoided the appearances of party in the organization. And as corresponding secretary of this association, and holding frequent correspondence with associations in various parts of the State, I feel that I am justified in declaring, as I do declare, that the great body of the people, almost destitute of party leaders, and above all party considerations, moved to the accomplishment of their purpose boldly set forth to the world. If such is not their position now, it may be easily accounted for, if desired. In November, 1840, a paper was established in the city of Providence, and devoted to the suffrage cause, or the "suffrage party," as we were termed from the commencement. This paper took sides with neither of the great political parties of the day—it was called the "New Age." The Providence Herald, the leading democratic paper of the State, espoused our cause from the commencement; the Providence Journal standing uncommitted for some time, but admitting articles upon both sides of the question, for and against the principles contended for by the suffrage party. These primary movements were followed by the holding of a State mass convention in the city of Providence, on the 17th day of April, and which was very numerous attended, even beyond the most sanguine expectations of its friends, exhibiting a state of public feeling not to be mistaken. They paraded the streets of the city, and organized a convention upon the "Jefferson plan," so called. I was present, and can without hesitation say that the proceedings of this immense meeting were marked with great propriety.

Another State mass convention was holden at Newport on the 5th day of May following, at which resolutions declaratory of principles and mode of action were adopted; a State committee appointed, who were instructed to issue an address to the people of the State, and to call a convention of *delegates* for framing a constitution. The proceedings of this State mass convention, under which the convention for framing the constitution was called, are herewith submitted, (marked A.) The Newport convention adjourned to meet in the city of Providence on the 5th day of July following, (celebrated for the 4th, which came on Sunday.) This adjourned convention was very numerous attended, beyond all others ever holden in the State; every portion of the State represented; it was organized upon Dexter Training Ground, so called; an oration delivered by William S. Balch. The State committee, appointed in May, made a report, and submitted accompanying resolutions, which were adopted, and which, together with the proceedings of the convention, are herewith submitted, (marked B.) The State committee, of which I had the honor to be a member, and appointed by the State mass convention which convened at Newport May 5th, 1841, in pursuance of instructions from said convention, issued an address to the people on the 11th day of June following, in which the principles of the suffrage party were set forth; a copy of which is herewith submitted, (marked C.) The State committee, in the further performance of the duty assigned them, did issue on the 24th of July, 1841, a call to the people of the several towns of the State to hold meetings on the 28th day of August following, and to elect delegates to a State convention, to be holden at the State-house on the first Monday of October following. The call proportioned the delegates among the towns, based upon population, fixed the qualification of electors, &c.; a copy of which is herewith submitted, (marked D.) These are, in brief, the proceedings of the people to the time of holding said convention for framing a constitution, as they came under my personal observation, or are within my knowledge.

3. Question by the committee. What were the leading causes of complaint in the government, as it existed under the charter, as set forth by the suffrage party in their early movements ; the objects to be obtained ; and the proposed plan of accomplishing these objects, so far as your knowledge extends ?

Answer. Among the leading causes of complaint, it was urged by the suffrage party that the government, as it existed and was exercised under the charter, was anti-republican, inconsistent with the fundamental principles of our institutions, and the rights and security of the people ; and that it was corrupting and degrading in its influences ; that whereas it deprived a large majority of the male adult citizens of the State of voice in the framing of the laws by which they were ruled, and in the election of the officers by whom the laws were executed, or in disbursement of the money for which they were taxed ; that they were also called upon to do military and fire duty, and to bear their proportion of the burdens of government, both State and national, whilst they were deprived of all representation in each. They also complained that they did not derive the protection that belongs to every citizen in securing their property, as, without the assistance of a "freeholder," they could not collect a debt by law. They also declared that the sacred right guaranteed to every citizen of the United States, of a trial by a jury of his "peers," was denied them, as none but these favored "freemen" were admitted to the jury box ; every non freeholder going to trial by or before a jury raised above him. This was declared to be the condition of three fifths of the male adult citizens of the State, including nearly every revolutionary patriot in the State.

They further complained of the great inequality of representation, whereby a small majority of those enjoying the franchise of electors elected a large majority of the popular branch of the government. For instance : Providence county, containing a large majority of the whole population of the State, had but 22 representatives in a house consisting of 72 members—this portion of the State paying a very large proportion of all the taxation of the State ; Smithfield, with about 10,000 population, large in territory, had but two representatives ; whilst Jamestown, with 364, had two ; Portsmouth, with 1,700, had four ; Providence, with 23,000, four ; Newport, with 8,000, had six.

But, above all, the government was professedly based upon a charter derived from Charles II, but which, in fact, did not restrain legislation at all—the legislature making *their own electors*, their will the only *tenure* by which any man enjoyed the right of suffrage, or any other right ; that they were, in fact, without a written constitution deriving its authority from the "consent of the governed," and controlling and regulating legislation, as the happiness and security of the people required. It was such a constitution they had long been seeking. These were the evils ; this the remedy. In answer to that portion of the inquiry relating to the plan proposed for accomplishing the objects in view, it has been shadowed in my account of the early proceedings. That there was no hope of a satisfactory change through the existing authorities, was equally clear, as was contended by the suffrage party—whether we reasoned from the disposition of mankind to surrender advantages of political power, as all history taught ; or from the history of the efforts which had been made from time to time for half a century ; and that there was nothing *new* in this movement, so far as the

objects to be obtained were concerned, or anything *novel* in the plan, as thought by the suffrage party. I wish to call the attention of the committee to the fact, that, as early as 1797, and soon after Rhode Island gave her consent to the federal constitution, the subject of a constitution was agitated, and complaints were loud. It was then declared that we possessed nothing but an "*imaginary constitution*," a "*crazy and comfortless mansion, shaken by the winds and pervaded by the storm*;" and the course urged upon the people was such as they decided on adopting more than 40 years after, although the evils increased every year; and not until it was believed that all other means had failed, did they seek redress through what they had learned to be the fundamental principles of our institutions as established by their fathers. For the doctrines contended for at that time, I submit an extract from an oration delivered by Col. George R. Burrill, in Providence, in 1797. He was the brother of the late James Burrill, and, it has been said, possessed the best legal mind Rhode Island has ever produced. That he was a ripe scholar, and a beautiful writer, is well known. The extract is marked E.

In 1811 an extension of suffrage was sought for, and a bill was passed through the Senate, but was laid upon the table and lost in the House. [See journals of proceedings 1811.]

Again, in 1820 the subject was agitated, particularly for a more equal division of power; and a convention was holden in the county of Providence to further the object. In the editorial articles of the *Manufacturers and Farmers' Journal* of that time, it was declared, in relation to the state of things in Rhode Island, "*that a free people have for more than forty years submitted to a species of government in theory, if not always in practice, as despotic as that of the autocrat of the Russias*."

Again, in speaking of the government: "*It was not established by the people of this State, nor is it amenable to them; it acknowledges no superior or creating power, and claims to exist and act by its own omnipotence*." And again, speaking of the General Assembly: "*That omnipotent body should consider that the people are competent to form a convention for themselves, without the authority of their high mightinesses; and that any longer delay of duty on the part of those who now set up their title of 'legitimacy,' may produce such a result*." I make these extracts to show that the complaints of the suffrage party were not *new*, or their course *novel*. I submit further extracts from the same journal, then edited by William E. Richmond, and which appeared as editorials under the following dates: November 27, December 11 and 18, 1820, and January 11, 1821, marked F.

In 1824 the Legislature proceeded to call a "freemen's" convention, which was holden, and framed a constitution, and which, in some degree, equalized representation, or division of unjust power; but a proposition to extend suffrage beyond landholders and their oldest sons, received but *three* votes. This constitution was submitted to the "freemen" only, and by them rejected.

Again, in 1829 the friends of suffrage and a republican constitution, petitioned the assembly; and for the manner in which the memorialists were treated at this time, although the petition was numerous and respectably signed, I submit the report of the committee to whom the memorial was assigned. The chairman of the committee was the Hon. Benjamin Hazard,



of Newport. [See file of papers, Martin Luther vs. Luther M. Borden, *et al.* marked 79 in this appendix.]

There was another active movement in 1832, but without success.

A constitutional party was organized in 1834, which struggled for two or three years, and found the fate of all third parties in a warm political struggle; and, as has been asked, what could a party do without votes? But they secured a promise of a convention, which was called by the legislature, and holden during this time—another convention of “freemen” to draught a constitution to be submitted to “freemen,” but to govern the people. During their discussions of two or three weeks, a proposition to extend suffrage received *seven* votes. This convention broke up in confusion, for want of a *quorum*. It was in view of these unsuccessful efforts, that a plan was proposed, and it was declared, from the commencement, that the people were competent, in their sovereign capacity, and without the consent of the existing authorities, to establish a constitution which would, of right, be the paramount law; and that a constitution which should receive the support of a majority of the male adults, native or naturalized, would be, of right, the legal constitution of the State. These were the doctrines declared in the first meetings of our association, and constantly adhered to. The following declaration, adopted by the Rhode Island Association, was generally adopted by the associations:

*“A declaration of principles of the Rhode Island Suffrage Association.*

“Believing that all men are created free and equal, and that the possession of property should create no political advantages for its holder; and believing that all bodies politic should have for their foundation a bill of rights and a written constitution, wherein the rights of the people should be defined, and the duties of the people’s servants strictly pointed out and limited; and believing that the State of Rhode Island is possessed of neither of those instruments, and that the charter under which she has her political existence is not only aristocratic in its tendency, but that it lost all its authority when the independence of the United States was declared: And furthermore, believing that every State in the federal compact is entitled, by the terms of that compact, to a republican form of government: and that any form of government is anti-republican and aristocratic which precludes a majority of the people from participating in its affairs; and that, by every right, human and divine, the majority in the State should govern: And furthermore, and finally, believing that the time has gone by when we are called upon to submit to the most unjust outrages upon our political and social rights: therefore

“*Resolved*, That the power of the State should be vested in the hands of the people, and that the people have a right, from time to time, to assemble together, either by themselves or their representatives, for the establishment of a republican form of government.

“*Resolved*, That whenever a majority of the citizens of this State, who are recognised as citizens of the United States, shall, by their delegates in convention assembled, draught a constitution, and the same shall be accepted by their constituents, it will then be, to all intents and purposes, the law of the State.”

After the commencement of the present agitation, it has been said there

was a disposition upon the part of the authorities to extend suffrage. This disposition the people tried, after they had proceeded to call a convention: a proposition to extend suffrage in voting for the delegates was made by a friend of the people's cause in that legislature, (the Hon. Samuel Y. Atwell,) which received but 10 votes. At the first session of this landholders' convention in 1841, the committee on suffrage reported a restriction on the then existing suffrage; but the convention, before adjourning, decided on a 500-dollar personal property qualification for non freeholders and younger sons.

4. Question by the committee. Were you a member of the convention which assembled in the city of Providence on the first Monday in October, 1841, which framed the people's constitution, so called?

Answer. I was a member of said convention which framed the people's constitution, so called, holden at Providence on the first Monday in October, in pursuance of a call from the State committee.

5. Question by the committee. Are the files and documents presented to the committee by John S. Harris, as the original files and journals of the proceedings of said convention, correct, so far as your knowledge extends?

Answer. I have examined the files and journals of the proceedings of said convention, submitted by John S. Harris, and find them true and faithful records, so far as my knowledge extends.

6. Question by the committee. Were you a member of the assembly under the people's constitution, which convened in Providence on the first Tuesday of May, 1842? Were you an officer of said assembly; and if so, what office did you fill? Were you present at the organization of the government under the said constitution; and if so, state to the committee such facts in relation to the organization of said government, as are within your personal knowledge?

Answer. I was a member of the assembly under the people's constitution which convened at Providence on the first Tuesday of May, 1842, in accordance with the provisions of said constitution. I was elected a member from the town of Smithfield. I was elected to the office of speaker of said assembly, and officiated in said capacity. I was present at the organization of said assembly. The members elect proceeded in the organization by calling the Hon. Dutee J. Pearce, of Newport to the chair; John S. Harris, by his invitation, officiating as secretary. The town and representative districts were called, and the credentials of members presented; subsequently I was elected to the office of speaker, and proceeded to qualify myself as the constitution provided, by taking and subscribing the oath, as therein prescribed. I then proceeded to call the members as returned, and administered to them *the oath*, in the words and as required by said constitution.

The House then proceeded to the election of clerks, and John S. Harris and Levi Salisbury were duly elected, and engaged by the speaker, as required by the constitution; which completed the organization of the house.

A committee was then appointed to count the votes for governor, lieutenant governor, and secretary of state, attorney general, and treasurer, and senators; which officers were all duly qualified by me, as provided in the constitution, by administering the oath in the words, form, and manner therein prescribed; which completed the organization of the government, as appears from the *original records*, which, together with the proceedings of said legislature, have been submitted to the committee by John S. Harris,

and, having been examined by me, are found to be, so far as my knowledge extends, true and faithful journals of the proceedings.

7. Question by the committee. Are you still a resident citizen of the State of Rhode Island? and if not, what are the causes which have induced you to leave that State?

Answer. I am not at the present time a resident citizen of the State of Rhode Island, having taken a temporary residence in Massachusetts. I have absented myself from the State, with the exception of a few brief visits, since June, 1842; my friends having been very anxious that I should be in a position to act as circumstances might require, from the office which I held in the government, and not be placed within the power of the charter party, which had previously made an attempt to arrest me—a warrant having been issued against me under the act entitled “An act for punishing offences against the sovereign power of the State.” A requisition was also made by the acting Governor of Rhode Island upon the Executive of Massachusetts, and a warrant issued by John Davis, then Governor of that Commonwealth; whereby I found it necessary to leave this, my native Commonwealth, and sought security in New Hampshire and Connecticut for seven months, my family remaining in Rhode Island, where I retained my residence until last May, when, supposing that I could be of no further service to the cause and party with which I had been associated, and believing that I should be subject to further persecutions, and my family to further anxiety, (from which they had suffered much) I reluctantly removed from the State into Massachusetts. But let me be distinctly understood, that, although I have found it necessary to exile myself from my adopted State, to secure my personal freedom, to be charged by the reigning powers of that State with a high crime towards her institutions, to make great sacrifices, still I have felt none of the guilt which attaches itself to crime; and there has been no moment when I desired to retract a word that I had spoken, or a sentence that I had written, or an act that I had committed, touching the matter of which I was accused—feeling that I did nothing but what my duty demanded, but regretting that I could not have done more for the cause in which I was engaged.

8. Question by the committee. What do you mean by the term “freeman,” as used in your answers to the committee, more than a freeholder, or the oldest son of a freeholder?

Answer. In the use of the term “freeman,” I mean what the law considered a freeman at the time of which I speak. A man might hold any amount of real estate, or be the oldest son of such landholder, and still be no “freeman,” or voter. The charter was granted to such and such persons, together with those whom they (the grantees) might from time to time admit free; which power was finally placed in the grantees of the several towns; and it was required of one having the requisite qualification, that he should be *propounded* in open town meeting, and, so standing for a certain time, might, by said town, be admitted free, if a majority of the corporators so pleased; in which case, he became a partner in the government of the State, and a freeman.

9. Question by the committee. Had you any personal knowledge of the voting on the adoption of the people's constitution? and do you know of any fraudulent votes having been given for the same?

Answer. I was present at the meetings for voting for the people's constitution in the town where I resided, (Smithfield,) and which cast more than



1,300 votes for that constitution. Although not an officer of said meetings, I took an active part therein, and can unhesitatingly say that the voting was carried on with the utmost good faith, and with a determination not to receive the votes of any persons not competent by the provisions under which they were voting. The subject of voting was one of frequent conversation among leading men of the suffrage party; and I never heard but one opinion expressed among our friends, previous to or at the time of the voting—and that was, *that great care should be taken* lest, through inadvertence or otherwise, the votes of incompetent persons should be admitted; and, however few, would be used by our opponents to prejudice our cause. Believing that the voting would undergo the scrutiny and investigation at the hands of our opponents, which the friends of the constitution have at all times sought, if they had been governed by no higher motive than interest, they would have done as they did—refuse the votes of all incompetent persons; and I can also say, whilst I disclaim all knowledge of fraud in voting for that constitution, that, from an intimate acquaintance with the officers of the meetings for voting on the constitution in a large number of the towns, I know they would have spurned the idea of being cognizant of fraud in the receiving votes; and I might also add, that no necessity was considered to exist to use any fraudulent means to obtain the support of a large majority of the male adult citizens of the State, competent to act in its support. No doubt existed upon this point; and from all my knowledge of the voting at the time, with all I have since learned, I am very fully of opinion that a less number of illegal votes were polled for that constitution (the provisions of the constitution fixing the qualification) than in any contested election holden in the State for many years. Any doubt upon this point was entirely an after-thought with our opponents, who have studiously avoided every opportunity of proving their charges, knowing that any attempt to do so would confirm the vote. Even anything like definite charges of fraud, so far as my knowledge extends, have been confined to one town, with some appearance of foundation, growing out of a construction of the provisions under which they were voting—a construction not approved or adopted anywhere else, but which is not sufficient to affect the case at all.

10. Question by the committee. Was there, at any time, any plan or plot proposed or entered into by the suffrage party, of plundering or burning the city of Providence, or any other place, or to do violence to females, to your knowledge?

Answer. I have no knowledge of any such plot, plan, or intention of the suffrage party to do violence to the persons or property of their opponents. Their object was not to invade any man's rights; they respected scrupulously, to the best of my knowledge, every other man's rights, only anxious to maintain their own. To such an extent was this the case, that a declaration was drawn from a most distinguished opponent, (John Whipple, esq.) during a recent trial in Rhode Island, who is reported to have said that the suffrage party manifested a respect to private rights and private property, unprecedented in the history of the world, when two parties stood hostilely arrayed towards each other, as in that State.

I have perused the answers of Aaron White, jr., and John S. Harris, to a similar question of the committee; and should I extend my reply, it would be substantially the same, being, to the best of my knowledge, true.

The charge of an intention of the suffrage party to burn and pillage

Woonsocket, my place of residence at the time, has been made; and, like all other charges of the same import, to the best of my knowledge, is entirely unfounded. And in confirmation of my opinion, I would state, that when I found it necessary, to secure my personal freedom, to leave the State, I left my family, consisting entirely of females and children, having no fear of any such attack; also more than 10,000 dollars of real and personal property, situated in said village, subject to destruction in case of any such attack upon the place—only endangered, as I thought, and as was threatened by the charter party, to confiscation. I received an invitation from a distinguished man of the charter party, (but a personal friend,) asking me to convey and assign my property to him, to prevent any such loss; to which, however, *I did not consent*.

11. Question by the committee. To what cause do you, or the suffrage party, attribute the final suppression of the people's constitution; and upon what ground is such allegation made?

Answer. The suffrage party entertain but one opinion, to the best of my knowledge, as to the principal cause of the success of the charter party in suppressing the people's constitution; and that is, the influence of the General Government brought to bear upon them, through the President of the United States. This was visibly seen immediately upon the publication of President Tyler's letter of ———, in answer to an application of the charter party to him for assistance, producing fear in some, doubt in others, and a division as to the course to be pursued; being evident that they were to encounter the military forces of the United States, the effect was most disheartening and destructive to us, whilst new life was evidently given to the charter party, having professedly relied upon such aid, but which we could not suppose they would obtain, until the appearance of said letter from the President.

It was expected that the unusual forces of the United States arriving at Newport were only waiting for some overt act to be brought to bear upon the people; which produced such an effect upon a portion of the members of the General Assembly which organized under the people's constitution, as to prevent them from taking possession, as they otherwise would, as is believed, of the public property, and becoming the government in fact as well as in law.

Promised aid working the same effects, precisely, as would the bringing the force directly to bear upon them, as is supposed it was subsequently; but at a time when the suffrage party were in no condition to maintain themselves against any considerable force from any quarter—having been divided and distracted, by the course of the President, from united action, which had characterized their former movements.

It is to be remembered, also, that the President of the United States held no direct communication with the people of Rhode Island, by proclamation or otherwise, but through a gentleman whom he was pleased to style *Governor King*; being all, if not so marked, "private and confidential," only so far as he (Governor King) or his party chose to make it public; giving to the charter party the power of making such interpretations and declarations from the President, and of his course, as might best promote their objects; which advantage they did not fail to use most successfully.

I will mention one other fact, to show the effect of the aid of the General Government upon the charter party; and that is,

That the act entitled "An act for punishing offences against the sovereign

power of the State," and intended, as was declared, to prevent the election of officers and the organization of a government under the people's constitution, although disregarded and violated openly and boldly for a long while, still no arrests were made, or attempts made to enforce the same, until after a successful application to the President, and its consequences fully seen throughout the State.

This law was believed by the suffrage party to have no binding force.

I herewith submit answers to the several questions submitted by the committee, being a true statement of facts, to the best of my knowledge ; together with such historical matter as the questions involved, which were well authenticated and believed to be true.

WELCOME B. SAYLES.

—  
WASHINGTON, May 3, 1844.

Then the above-named Welcome B. Sayles made solemn oath that the foregoing testimony, by him subscribed, is, in his belief, true. Before me,

EDMUND BURKE,

*Chairman of the Select Committee  
on the Rhode Island Memorial.*

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No. 14.—(A.)

*Proceedings of the mass convention held at Newport, R. I., May 5, 1841.*

Whereas it is the undeniable right of the people, at all times, peaceably to assemble for consultation and conference touching the government under which they live, and which they assist in supporting ; and independently to utter and set forth, on such occasions of meeting together, their views, sentiments, and plans relative to the correction, as well of defects in the organization of government, as of faults in the administration of the same : We, a portion of the people of this State, now assembled at Newport in mass convention, from all parts of the State, and acting on behalf of the great body of our unenfranchised fellow-citizens, do declare their and our opinions and purposes in the following

RESOLUTIONS:

1. *Resolved*, That it is repugnant to the spirit of the declaration of American independence, and derogatory to the character of Rhode Island republicans, to acknowledge the charter of a British king as a constitution of political government. While we venerate the illustrious names of Roger Williams and John Clarke, to whose untiring ability and perseverance the colony of Rhode Island was indebted for this grant from the throne of England, so well adapted at the time to the wants of his Majesty's subjects, and so liberal in its concessions,—we are at the same time aware that in almost all respects, excepting the immortal declaration and guaranty of religious freedom, it has become insufficient and obsolete ; that it should be laid aside in the archives of the State, and no longer be permitted to subsist as a barrier against the rights and liberties of the people.

2. *Resolved*, That, in the opinion of this convention, on the occurrence



of the American Revolution, when the ties of allegiance which bound the subjects of this colony to the throne of England were dissolved, the rights of sovereignty, in accordance with the principles of republican government, passed to the whole body of the people of this State, and not to any special or favored portion of the same; that the whole people were and are the just and rightful successors of the British king, and as such were and are entitled to alter, amend, or annul the form and provisions of government then and now subsisting, with the sole restriction imposed by the constitution of the United States; and, in their original and sovereign capacity, to devise and substitute such a constitution as they may deem to be best adapted to the general welfare.

3. *Resolved*, That no lapse of time can bar the sovereignty inherent in the people of this State; and that their omission to form a constitution, and their toleration of the abuses under which they have so long labored, are to be regarded as proof of their long suffering and forbearance, rather than as arguments against their power and their capacity to right themselves, whenever, in their opinion, redress from the governments at present subsisting is hopeless.

4. *Resolved*, That the time has now fully arrived for a vigorous and concentrated effort to accomplish a thorough and permanent reform in the political institutions of this State.

5. *Resolved*, That a system of government under which the legislative body exercise power undefined and uncontrolled by fundamental laws, according to its own "especial grace, certain knowledge, and mere motion," and limits and restricts, and makes and unmakes the people at its pleasure, is anti-republican, and odious in its character and operations, at war with the spirit of the age, and repugnant to the feelings of every right minded Rhode Island man, and ought to be abated.

6. *Resolved*, That the public good imperatively requires that the powers of the legislature, and rights of the citizens, should be defined and fixed by a written State constitution.

7. *Resolved*, That the representation of the towns in the General Assembly, as originally established by the provisions of the charter of King Charles II, had reference to the then existing population of the same, and was at that time not unfairly adjusted to it; but that, by the great increase of population in the towns, the existing apportionment has become exceedingly unequal and unjust in its operations; and that a new assignment of representatives among the towns, according to population, will be an indispensable article in a constitution for this State. A majority of the representatives to the General Assembly are now elected by towns containing less than one-third of the population of the State; and some of the towns, from twice to twenty times what they are entitled to, under the just principles of distribution above named—an inequality not uncommon in the monarchies of Europe, but, with the single exception of Rhode Island, unknown in the United States.

8. *Resolved*, That, at the foundation of this State, and long after, property in land was not only the principal property of the citizens, but was so easily attainable, that a landed qualification for voters (first definitely established in the colony by the legislature in 1724) excluded only a small portion of the people from political power; but that the circumstances of the people have since greatly changed, and the existing qualification for voting has the effect, contrary to the designs of those who first established it, of exclu-

ding the great majority of 16,000, or 25,000 over the age of twenty-one years, from all political privileges and participation in the affairs of government; and that, although we entertain a high and becoming respect for farmers, and their just influence in the State, we are not insensible to the merits of their younger sons—of the mechanics, the merchants, the working men, and others—who own no land; and that we are of opinion that the longer continuance of a landed qualification for voters is a great injustice, and is contrary to the spirit and principles of a republican government; and that a constitution for this State will be altogether insufficient, unsatisfactory, and impracticable, that does not restore to the body of the people of this State the rights and principles of American citizens.

9. *Resolved*, That a continuance of the provisions of the charter relating to representation, and of the act of the legislature requiring a freehold estate to entitle a citizen to vote for public officers, has the effect not only to vest the control of the General Assembly, as we have before seen, in less than one-third of the population, but, as the voters in this third are only a third part of the whole number of male adult citizens, this further effect also—the most odious of all—of placing the control of the Assembly and the State in one ninth part of its adult population; or, in other words, in the hands of less than three thousand men out of twenty five thousand, who are over twenty-one years of age.

10. *Resolved*, That such a state of things is a bold and hardy defiance of all popular rights, and is a total departure from the principles advanced at the first session of the General Assembly in the year 1647, who then solemnly declared and voted that the government of this State should be a democracy.

11. *Resolved*, That the American system of government is a government of men, and not of property; and that while it provides for the ample protection and safe enjoyment and transmission of property, it confers upon it no political advantages, but regards all men as free and equal, and exacts from them no price for the exercise of their birthright; and that, therefore, the undoubted rights and privileges of the people, as well as the true honor and prosperity of the State, can only be completely obtained and permanently insured by a written constitution, whose framers shall be chosen from the people of the towns, in proportion to population, and which shall be approved and ratified by the people at large; and that, in the exercise of this high act of sovereignty, every American citizen, whose actual permanent residence or home is in this State, has a right to participate. And we accordingly pledge ourselves individually to each other, and collectively to the public, that we will use our unremitting exertions for such a constitution, in the way that has been described.

12. *Resolved*, That we disclaim all action with or for any political party in this great question of State rights, reserving to ourselves individually our own opinions on all matters of State or national politics, which we call upon no man to sacrifice; and that we heartily invite the earnest co-operation of men of all political parties in the cause which we have at heart, and which we believe to be the cause of liberty, equality, and justice to all men.

13. *Resolved*, That the General Assembly should have called the convention to frame a constitution in such a manner as to apportion the delegates to the convention among the several towns, according to population, and to give to every American citizen as aforesaid the right of voting for

delegates and for the constitution which may be proposed for the ratification of the people.

14. *Resolved*, That the friends of reform in each town be requested forthwith to establish an association for the purpose of a better organization for correspondence, and generally for the promotion of the objects of this convention.

15. *Resolved*, That a State committee of eleven persons be appointed by this convention to correspond with the associations of the several towns, and to carry forward the cause of reform and equal rights, and to call a convention of delegates to draught a constitution at as early a day as possible.

16. *Resolved*, That the State committee be requested to obtain, without delay, a list of all the citizens in the several towns who are ready to vote for and sustain a constitution based on the principles hereinbefore declared, and to present the same at the adjourned meeting.

17. *Resolved*, That the State committee be requested to prepare and send forth an address to the people of this State on the subjects contained in the foregoing resolutions, and to report proceedings at an adjourned meeting.

18. *Resolved*, That a copy of these resolutions be transmitted to the governor, to the lieutenant governor, and to each member of the Senate and House of Representatives, whose attention is especially and respectfully asked to the resolution relative to the call of the convention for framing a constitution.

19. *Resolved*, That the support and patronage of all the friends of reform are urgently requested in behalf of the "New Age," a newspaper exclusively devoted to the cause which we have this day assembled to promote.

20. *Resolved*, That these resolutions be signed by the president and secretaries of the convention, and published in the several newspapers throughout the State, and that the publishers be requested to give them a gratuitous insertion in their respective papers.

21. *Resolved*, That this convention, when it adjourns, will adjourn to meet at Providence on the 5th day of July next.

The following gentlemen were then appointed a State committee, in accordance with the 15th resolution :

*Newport county*.—Hon. Charles Collins and Hon. Dutee J. Pearce.

*Providence county*.—Samuel H. Wales and Benjamin Arnold, jr.

*Washington county*.—Wm. S. Peckham and Sylvester Himes.

*Kent county*.—Silas Weaver and Emanuel Rice.

*Bristol county*.—Samuel Allen and Benjamin M. Bosworth.

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#### No. 15.—(B.)

*Resolutions of the mass convention held at Providence, R. I., July 5, 1841.*

*Resolved*, That on this, the anniversary (5th July, 1841) of our national independence, we recur, with emotions of deep and patriotic gratitude, to the principles, the measures, and the men of the American Revolution.

*Resolved*, That the doctrines of liberty and equality, first promulgated in modern times by the immortal founders of our State, and re-asserted by



the illustrious author of the declaration of independence, lie at the foundation of all that is just and free in our political institutions; and that the vindication of these doctrines, when impaired, and the development of them in all their force and effect, are duties of the most sacred and imperative obligations, and enjoined upon us by the venerable fathers, who, being dead, yet speak to us, by our character as republicans and as men, and by our regard to the rights and interests of our successors.

*Resolved*, That, in the language of Jefferson, "It is not only the right, but the duty, of those now on the stage of action, to change the laws and institutions of government, to keep pace with the progress of knowledge, the lights of science, and the amelioration of the condition of society;"—and that "nothing is to be considered unchangeable, but the inherent and unalienable rights of man."

*Resolved*, That the political institutions of this State have long since lost their character of liberty and equality, which belong to a republic; and that, inasmuch as in the words of Washington, "the basis of our political institutions is the right of the people to make and to alter their constitutions," it has now become the duty of the people of Rhode Island, acting upon the principles which have been recited, and animated by the example of their patriotic ancestors, to apply with a firm hand, without unnecessary delay, and in their original and sovereign capacity, the necessary corrective to existing political evils, by the formation and adoption of a written republican State constitution.

*Resolved*, "That we unanimously and cordially re-affirm the views, sentiments, and plans" set forth in their resolutions by the convention of the friends of equal rights, held at Newport on the 5th day of May last; and that, inasmuch as the General Assembly of this State, at their last session, in June, have finally decided that the freeholders are exclusively the people of Rhode Island, and have denied to the great majority of the people, so far as it is in their power thus to deny, any participation in the convention to be held in November next, the time has now fully arrived for the people, in their original and sovereign capacity, to exercise their reserved rights; and that we hereby approve the call by the State committee of the people's convention, on the basis of the resolutions aforesaid, at an early day, for the formation of a constitution.

*Resolved*, That when the constitution, so framed, shall be adopted by a majority of the whole people of the State, by their signatures or otherwise, as the convention may provide, we will sustain and carry into effect said constitution, by all necessary means; and that, so far as in us lies, we will remove all obstacles to its successful establishment and operation: and we hereunto solemnly pledge ourselves to each other and the public.

*Resolved*, That we hail with pleasure the presence among us of the venerable remnants of our revolutionary worthies; and entertain the hope that they may be spared to witness another anniversary, when they will be deemed not only worthy of shedding their blood for the defence of their country, but of voting for their rulers, and of taking an equal share of the concerns of government.

*Resolved*, That we enter our solemn protest against the principles upon which the landholders' constitution is called, as by that call a large majority of the people of this State are excluded from a participation in the choice of delegates to frame a constitution, by the provisions of which they are to be governed.

*Resolved*, That we deny the authority of the legislature to proscribe or prevent any portion of our fellow-citizens, who are permanent residents of this State, from a participation in the organization of the government, which is to affect the rights and privileges of all.

*Resolved*, That it is contrary to the spirit of a republican government for a minority to make laws that shall bind the majority; and that we will resist, to the utmost of our ability, a government that shall not acknowledge the just rights of the whole people.

*Resolved*, That we will use all honorable means within our power to have every American citizen, who is a permanent resident in this State, represented in the convention for framing a constitution that shall define the powers of the legislature, and secure to the people the free exercise of their rights and privileges.

By a vote of said mass convention, the following gentlemen were added to the State committee, viz:

*Newport county*.—Silas Sisson.

*Providence county*.—Henry L. Webster, Philip B. Stiness, and Metcalf Marsh.

*Bristol county*.—Abijah Luce.

*Kent county*.—John Brown and John B. Sheldon.

*Washington county*.—Wager Weeden and Charles Allen.

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### No. 16.—(C.)

#### *Address of the State suffrage committee, setting forth the principles of the suffrage movement.*

FELLOW-CITIZENS: The undersigned, a committee of those friendly to the formation of a State constitution, and to the extension of suffrage in this State, beg leave to address you on the important subject, and to call your attention to some of the considerations which actuate the friends of reform, as well as to the means considered by them best calculated to effect the ultimate object in view. In doing this, it is neither our intention nor disposition to create feelings of hostility between our fellow-citizens who may honestly differ from each other on the question of expediency or political right, but to excite the public mind to calm discussion and rational investigation; being morally certain that such a course will fully develop the justice of our cause, and lead to the consummation of our wishes in a manner that shall give universal satisfaction.

To all who are acquainted with human character and human passions, it is well known that power and pre eminence constitute darling objects of ambition; and that human ingenuity, aided by interest and prepossession, and more especially sanctioned by custom, habit, and the force of education, is seldom at a loss for the semblance of argument to satisfy us of our right to that which we hold in possession.

For these reasons, we can readily account for the hostility hitherto manifested by a great proportion of the landholders of Rhode Island against reform in our State government, and an extension of the right of suffrage,

without attributing to them the unqualified determination to act with injustice towards others. The manner in which the territory of the State was originally acquired, the form of government established under the auspices of the British crown, the quiet submission of the people to that form of government since the American revolution, the principles in accordance with it, handed down from generation to generation, and the firm convictions of the friends of the present system that it is most conducive to the best interests of the State,—all operate on the landholders; and honestly, in most instances, we have reason to believe, they are thus induced to act against what we deem to be the rights of others.

That the original colonists of Rhode Island, settling on lands they had purchased as a company, had the incontrovertible right, as proprietors under the crown, to institute such rules and regulations for the management of their affairs as they pleased, and as the grant from the crown permitted them to do, it is believed no one will deny. And as, at the period of the Revolution, no measures were instituted to change the form, to conform to the change of circumstances; and as, also, they have hitherto neglected to effect such a change, the impression has come down to the present period, that the original form of government still continues in full force, by virtue of the right of the original colonists to institute it; and that it cannot rightfully be changed, but either by the voluntary act, or at least the consent, of their successors in possession. As we ask for nothing but the right, permit us to examine this point.

It must be recollected that the original settlers of Rhode Island neither claimed nor exercised any other rights than were granted and guaranteed by the British crown. Their jurisdiction, therefore, was neither original nor independent, but was both derived and subordinate; and its entire force was the royal sanction and guaranty. And even their right to the soil, by purchase of the natives, could have given them no exclusive right of possession, but by force of the royal patent. Did the same or similar circumstances now exist, it is readily acknowledged that the non-freeholders could set forth no legal claim to participation in the government, and but two events (one or both) could occur to extend to them that privilege, or to legalize the claim. In the first instance, the freemen might grant it; in the second place, the royal charter might be revoked, or be rendered null and void by the destruction of the royal authority.

It cannot be doubted that, had the entire British realm been revolutionized, instead of only her American colonies, and the declaration of the universal national equality of man been adopted as the basis of government, the people of Rhode Island, in common with all their fellow-citizens of the nation, would have been thrown back on their natural rights, and released from their subjection to the royal will, claimed and exercised the right to frame and adopt a government in obedience to the will of a majority only. In no other way could a legitimate government have been formed; for the only governmental power and authority, except what originally resided in the people themselves, would thus have been annihilated.

Such principles would have been the character and effect of the revolution under Oliver Cromwell, had he and his associates proceeded on the principles adopted by our revolutionary fathers; and such also the French revolutions of 1792-93, and of 1830. But the American revolution produced precisely the state of affairs in the revolted colonies as though the king



had been driven from the throne, royalty proscribed, monarchy abolished, all ranks and distinctions among men obliterated, the government dissolved, and its powers restored, to be exercised of right by the whole people.

As to the colonies, all this did take place; and no statesman who values his reputation as such, will hazard the assertion, that the slightest claim of force in our government can be erected on the grant and sanction of our former sovereign or his successors. On what, then, does the claim rest? First, on the ownership of the soil. Did our landholders still continue simply a body corporate, permitted to regulate their company affairs under a former jurisdiction, that ground would be valid. But circumstances have changed. The body corporate has merged into a sovereign and independent State. The very acts by which that sovereignty and independence were declared and established, created freeholders and non-freeholders a body of political equals. It recognised the *original rights*, and not the *acquired* privilege of the "governed," without discrimination, to exercise powers inherent in them, and "*indefeasible*" as well as "*unalienable*," to be consulted and heard, and also to act on the question how they should or would be governed. The freemen or landholders of Rhode Island consented to this act and to these principles. On that condition the State was incorporated into the American Union. From that moment she placed herself under a new jurisdiction—the government of the people. And from that moment, also, the people—all the people—whom the American revolutionary and constitutional principles recognised as the original source and rightful possessors of all political power, resumed, and might have experienced, the right to erect a government for themselves.

But, in the second place, it is confidently asserted, that the people having quietly submitted to the government as it is, that government has become prescriptive; and that thus the non freeholders have lost their right to demand or effect a change, even if they possessed it. We do not thus view the subject; and we believe those who assert this principle are altogether in error. That our government is prescriptive, we admit; but we do not admit that it can invalidate an original right. A government by prescription, or by custom, certainly cannot claim the force of one that has received the formal sanction of the people; and if it could, we, as republicans, assert, without fear of contradiction, that a majority of the "*governed*" have, at any time, and on any occasion, a right to change their government—a right which, being inherent, unalienable, and indefeasible, not even they can part with by their free and voluntary act; much less can it be taken from them by prescription, or by precedent, or by any act of their predecessors. We declare it, therefore, as our solemn conviction—a conviction strengthened and confirmed by the principles and acts of the most eminent statesmen—that a majority of the citizens of this, or of any other State, have the incontrovertible right, at any time they may choose, to assemble together, and, either by themselves or by their delegates, to alter, amend, annul, or reform their government, at pleasure; always controlled by the dictates of natural law, that the legitimate end of government is the good of the whole in general, and of each individual in particular. To suppose that, under such a political system as that of the American Union, the fundamental principle of which is the sovereignty of the people, one generation can bind those who succeed it to any principles or form of government, or that prescription or custom should divest them of their right of change, is

preposterous. It is, moreover, the doctrine of tyranny; and, once established, the sovereignty of the people is destroyed.

Without fear of contradiction, therefore, we aver that, even had the present form of government been formally sanctioned by the people of Rhode Island, (which it never was,) they could be bound to its provisions no longer than during their own pleasure. The original power and sovereignty of the people are never relinquished. They cannot be; for they are *unalienable* and *indefeasible*. They are merely delegated, to be exercised for certain purposes; and whenever those who delegated them become satisfied that the contemplated object has not been, and will not be, given by their exercise, they have the right to resume them, and to use them as they please. Such is the doctrine of natural law, and such also is the doctrine of the declaration of American independence, which has been engrafted on the American constitution.

It is in vain that the portion of Rhode Island citizens called freemen, or a part of them, assert that a change in the form and principles of our government is inexpedient, inasmuch as it is asserted by them that a change could not benefit the State. This is an assertion only, and rests on mere speculative conjecture. Right claims precedence of expediency. It is enough for us to know (and on this point we are certain) that a majority of the citizens of the State are deprived, by the existing government, of the rights which their Creator bestowed on them, and which the principles that constituted the very basis of the national government sanction and guaranty. A participation in the government of the State they have a right to demand and assume. It is not a question whether the minority are willing to intrust the exercise of the political power in the hands of a majority, or prefer to retain it themselves; the question is not, Will the State be better or worse governed in consequence of the change? It is a simple question of individual right; and the claim is one which cannot be successfully denied. The disfranchised citizens among the "*governed*"—among those, therefore, for whose benefit government is, or should be, instituted—among those from whom the powers of government are, or should be, derived. Hence their right is unquestionable to a voice as to the disposition of those powers and their exercise, and the fitness of the government and its adaptation to the end proposed—the good of the governed. This is their right. This right they claim. They constitute the majority. With them, therefore, is the right to decide. And they presume themselves to be, and will be found to be, as capable of judging correctly, and acting as wisely, as to the true ends of government, as are the minority, who now exercise all its functions. It will be time enough to talk of the result, after the change has been effected. If it be evil, the people will not long submit to it; if good, right will have been done, and the welfare of the State secured.

But why talk of the present *system* of government? We have no fixed system. Every system of government, or anything else, is made up of certain fundamental rules and principles, from which those who act upon it are not at liberty to depart. Every science and art has its fixed rules and principles, and these constitute their system; the constitution—the work of the people—of the governed—fixing metes and bounds to the power and authority of the several departments, prescribing definite principles of action, and circumscribing the legislative, executive, and judicial servants of the nation, by limits they dare not overstep. Such is the case with all the States, except our own. These are the only legal barriers against usurpa-

tion, misrule, and deception. When these are violated, at the expense of official perjury, the people have their remedy under those systems of government; but, without them, the minority, and even the disfranchised majority, have no other security for their dearest rights than force and arms—always precarious, and frequently resulting in violence and blood. The only guarantee of rights to the people of Rhode Island is the constitution of the United States. We have no constitution—no system of government. Even the right of franchise, the “basis of every free elective government,” and the most valuable privilege of the free citizen, is in the hands of the legislative body, unguarded by any popular barrier, to be moulded to any form the majority of the legislature may think proper, to gratify their ambition, or to promote party objects. Thus the right of suffrage is the subject of continual fluctuation and change at the hand of parties, as one or the other may obtain the power, and as may appear best calculated to perpetuate its hold on power, and to baffle the efforts of opponents. It is a solemn fact, and one that admits of no denial, that the General Assembly may, if a majority of that body choose, at its very next session, and without a moment’s warning to the people of the State, repeal every syllable of law relative to the elective franchise, and enact another law as entirely different from it as possible—and, indeed, effect one entire change in the policy of the State; and there is neither constitution, law, nor precedent to the contrary. Should such abuses occur, where is the remedy of the people? No constitutional principles are violated, because we have none to violate. Precedents could not be appealed to, because all precedent in Rhode Island is but a continual exhibition of the exercise of unqualified and unlimited legislative power. Laws could not be resorted to, because all former ones having been repealed, new ones would have been enacted to suit the occasion. An appeal to the legislature would, of course, be fruitless, as that body would not sit as judges to condemn themselves. Resort to courts of law would be useless, as they have no constitutional principles to guide them. Their criterion is the legislative action. And, except when provisions of the constitution of the United States are involved, or questions of common law, the courts of Rhode Island, the creatures of legislative power, exist, sit, and act, only to carry out the legislative will; whereas, in other States, the people can always appeal from that will, through the courts themselves, to the constitution which they have adopted: thus, by means of the action of their own original power, compelling both courts and legislative bodies to act within the limits the people themselves have marked out.

But, we repeat it, the people of Rhode Island have no one of the above safeguards. From the town council to the chief justice of the highest court; from the voter in the House of Representatives, to the Governor who presides at the Senate body—all are free from constitutional restraint, all free from popular restraint. The sole power centres in the General Assembly; and that power is independent, and politically omnipotent. To what resort, then, can the people flee for redress, when that power shall have been grossly abused? There are but two modes left them: 1. The ballot-box. 2. The resumption and exercise of their original and natural rights and powers.

First, then, to the ballot box. And now let us turn our attention to this subject for a moment, and see how far that resort would be available.

Suppose, then, the advocates of right and justice, or the friends of the present government and laws, should come forward with sufficient strength



at the polls to eject from the seat of power men who had rendered themselves obnoxious by acts of usurpation and misrule : what stronger guarantee would you receive from their successors that they would reform abuses, than the individual pledges of (perhaps) ambitious and interested political partisans ? And even should pledges be redeemed, what assurance could you have that another body, in another year, would not revisit you with greater evils than those which had been removed ? Each General Assembly, the State being destitute of constitutional provisions, is an independent body, acting solely on its own responsibility, guided only by its own principles of action, and its own rules ; and the people have no other means of restraint upon their actions, than the distant view of the ballot box, and which each General Assembly might previously regulate, by changing the tenure and qualifications of the elective franchise to suit themselves. The committee would appeal to every reflecting, high-minded, and honorable man, and ask, in all candor and sincerity, if the rights and privileges free by nature, and free by the laws and constitution of our common country, should be thus intrusted to chance, or to fortune, or (what is still worse) to the hands of political partisans, to be manufactured, at pleasure, into political capital, to aid the cause of aspiring ambition ? Can any people be safe under such circumstances ? Under them, what man that is free to day, can have the assurance that he will not be a slave to-morrow ? What, then, remains, but for the people to resume and exercise their original rights, and to frame for themselves a constitution of government, which shall guard and protect them against the exercise of arbitrary power, by prescribing limits to legislative action.

We feel certain that the *freemen*, (or, in other words, the present voters of the State,) would spontaneously, and without legal formality, assemble and institute means of redress, in case their own rights were thus invaded. Thus have the rights of our disfranchised citizens been invaded, without intermission, from the period of the American Revolution. As far as they are concerned, they have been the subjects of continual usurpation and misrule ; and so far have even their civil rights been trampled on, that, without the sanction of a *freeman*, or landholder's name, as a master vouches for his slave, they are not known in law, or permitted to appear as parties, to ask for justice at the hands of a judicial tribunal ; and all this in the very face of the fundamental political doctrine of our nation, that the power is in the governed, and that from them all the just powers of government are derived.

Thus circumstanced, it is quite apparent that the disfranchised citizens of Rhode Island, and who constitute a majority of the whole people, can find no redress through the ballot box, from which, by law, they are excluded. Nor is it much more likely that they will derive it from legislative aid ; the members of the legislature being exclusively the representatives of the minority, who wield the power. Nor yet is there more to hope from the freemen or landholders themselves at the polls, unless, contrary to what has heretofore happened, a majority of them have become willing that right and justice should supersede the lust of power.

The committee are happy to believe that a very considerable change has taken place, in this respect, within a short period ; and that a very respectable body of the landholders are now advocates for a written constitution, to be framed and adopted by the people, and a liberal and permanent system of suffrage placed beyond the reach of legislative control and interference. The committee congratulate the friends of the cause on this auspicious

cious circumstance; still it must not be disguised that much yet remains to be done.

The friends of reform must depend on their own active energies. The laws of the State are against them; the legislative authority is against them; the custom of more than half a century is against them; and, no doubt, the opinions, interests, political aspirations, and the prejudices and prepossessions of a majority of the landed interest are against them. To the timid mind, and to the mind that has not investigated the subject, all these may present a powerful hostile array; but were they ten thousand times more powerful even than they appear, the rights and privileges of a solitary American citizen are fully worthy of the struggle. However forbidding the obstacles that may present themselves—however dark and frowning the aspect of the opposition—however threatening the arm of power suspended over us,—they are mere shadowy and unsubstantial forms, and a single act of the majority of the whole people of Rhode Island will be found sufficient to sweep them all away. The people—the “*numerical force*”—have but to proclaim their will, to resume their original powers, and assert their original rights. It is but for the people to arouse themselves to action, to array themselves in the majesty of their strength, and to speak with united voice. “**WE, THE PEOPLE,**” *decree it*, is a legitimate sanction to the warrant that consigns an unequal government to the grave. “We, the people,” the paramount power of a free elective government, have but to speak, and their voice must be obeyed, for their will is the fountain of government and laws.

“**WE, THE PEOPLE,**” are the original depository of power, and the only source whence government derives its sanction, its strength, and its support; and government thus framed and adopted, must be legitimate—must rise superior to all others, and must be sanctioned and sustained by our national councils. For, under the auspices of a free, elective republic, based on the great principles of natural equality and of the popular sovereignty, what authority shall interpose to defeat the will of the popular majority, expressed in the formation of a government on similar principles? We repeat it, therefore, the people have but to put forth their energies to resume and exert their original rights and powers, and to speak and act; to assemble of their own accord; to repudiate the existing government of the State; to frame and adopt another more congenial to human rights, and to organize themselves under it as a body politic, which a free people have at all times the right to do; and demand the fulfilment of the constitutional pledge which guaranties to every State in the Union a republican form of government. To do this, fellow citizens, is your only available and certain course. To do this, unanimity, at least, of action must mark your conduct. Among a great body of men contending for their rights, some conflicting feelings and opinions on minor points must exist. Of these, among ourselves, probably the most prominent and important is, on what shall be the final extent of the elective franchise, or who shall be admitted to vote at elections? This question is frequently put, and by it your opponents hope to scatter dissension in your ranks, and to defeat your purpose. But be it borne in mind that this is a question which now is not the time to answer; nor does it belong to us to answer it. We cannot hope to attain our object without mutual concessions. As the friends of popular rights, it becomes us individually to abide content by the will of the majority; and it is confidently believed that no one has united himself with us, and espoused our cause, who will not cheerfully give his sanction

to such provisions for the government and well-being of the State as a majority may approve. To the final decision of the majority, then, let the above question be referred, and not permitted to disturb our harmony, or prevent the cordial union and exercise of all our energies to promote the forward progress of our great and just cause. Be firm; be united; press forward with zeal and alacrity; use all honorable means to insure success, and you cannot fail to obtain it.

In due time, the committee, to whom the duty has been intrusted, will issue the call for primary meetings, preliminary to the call of a State convention. Meanwhile, we would urge it on every one engaged in the cause, to use his efforts to harmonize the views and feelings of its friends, to awaken their zeal, and arouse them to action; that thus, when the period shall have arrived when it shall be deemed expedient to attempt the consummation of the grand object, there may be no faltering; and that all, like one man, with one body, one heart, one soul, and one object in view, to be gained by one means, may come forth at the call, and practically manifest the indomitable resolution to rescue, preserve, and perpetuate the rights of freemen.

On you, fellow-citizens, under God, depends the issue. If you are resolved, firm, and immovable, you must succeed; and you will thus transmit to your posterity an invaluable legacy, for which they will bless you. If, through supineness and neglect, you should fail of the object, you leave yourselves—and it may be also your descendants—demi-slaves, subject to the exercise of arbitrary power, and destitute of a constitutional guaranty for a solitary right, political or civil. Your aid, one and all, is confidently expected. Let not the friends of freedom in Rhode Island and our sister States be disappointed. Let “**GOD AND THE RIGHT**” be your motto. Let us remember that “**IN UNION THERE IS STRENGTH.**” Move with energy and act with vigor, and your efforts will and must be crowned with success.

*State committee.*

Newport—Charles Collins, Dutee J. Pearce.

Providence—Samuel H. Wales, W. B. Sayles, Benjamin Arnold, jr.

Bristol—Benjamin M. Bosworth, Samuel S. Allen.

Kent—Emanuel Rice, Silas Weaver.

Washington—William S. Peckham, Sylvester Himes.

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At a meeting of the above committee, June 11, 1841, on motion,

*Voted*, That the secretary be directed to transmit a copy of this address to each of the editors of the newspapers in this State, and request them to give it a gratuitous insertion in their respective journals.

BENJAMIN ARNOLD, Jr., *Secretary*.



## No. 17.—(D.)

*Address of the State suffrage committee, calling upon the people to elect delegates to a convention for the purpose of forming a constitution.*

At a mass convention of the friends of equal rights and of a *written republican constitution* for this State, held at Newport on the 5th day of May, 1841, the following persons were appointed a STATE COMMITTEE, for the furtherance of the cause which the convention had assembled to promote, viz:

*Newport county.*

Charles Collins,  
Dutee J. Pearce,  
Silas Sisson.

*Providence county.*

Samuel H. Wales,  
Benjamin Arnold, jr.,  
Welcome B. Sayles,  
Henry L. Webster,  
Philip B. Stiness,  
Metcalf Marsh.

*Bristol county.*

Benjamin M. Bosworth,  
Samuel S. Allen,  
Abijah Luce.

*Kent county.*

Emanuel Rice,  
Silas Weaver,  
John B. Sheldon.

*Washington county.*

Sylvester Himes,  
Wager Weedon,  
Charles Allen.

The State committee were directed to "carry forward the cause of reform and equal rights, and to call a convention of delegates to draught a constitution at as early a day as possible."

At an adjourned meeting of said mass convention, held at Providence on the 5th day of July, the instructions before given were reaffirmed, and the committee were directed to call a convention of the people, on the basis of the resolutions passed at Newport, "at an early day, for the formation of a constitution."

Pursuing these instructions, the committee held a meeting at Providence on the 20th of July; and, in conformity with the eleventh resolution adopted at Newport, which prescribes the call of a convention of the people at large, to be represented in proportion to population, passed, unanimously, the following resolution for the call of a popular convention:

*Voted*, That we proceed to issue a call for the election of delegates to take place on the last Saturday in August, (the 28th day,) to attend a convention to be holden at the State-house in Providence, on the first Monday in October, (the 4th day,) for framing a constitution to be laid before the people for their adoption.

*Voted*, That every American male citizen, of twenty-one years of age and upwards, who has resided in this State one year preceding the election of delegates, shall vote for delegates to the convention called by the State committee, to be held at the State-house in Providence on the first Monday in October next.

*Voted*, That every meeting holden for the election of delegates to the State convention shall be organized by the election of a chairman and secretary, whose certificate shall be required of the delegates.

*Voted*, That each town of one thousand inhabitants, or less, shall be en-

titled to one delegate; and for every additional thousand, one delegate shall be appointed; and the city of Providence shall elect three delegates from each ward in the city.

*Voted*, That the chairman and secretary be directed to cause one thousand handbills to be printed and distributed through the State, containing the call for a convention of delegates.

*Voted*, That the proceedings of this meeting be signed by the chairman and secretary, and be published.

*On motion, voted*, That this meeting stand adjourned, to meet at this place on the 1st day of September, at 11 o'clock, a. m.

**FELLOW CITIZENS:** We have discharged our duty in a call of a convention of the whole people, to provide for the attainment and security of those invaluable rights which have been so long withheld from them, and without which they are but subjects and slaves in a state only nominally republican.

Depend upon it that a spirit has been aroused in this State, which cannot be intimidated nor repressed; which has suffered long, until patience has ceased to be a virtue; and which, regarding the republican institutions everywhere else enjoyed but here, and prompted by our venerable and patriotic ancestors, the first to assert the true principles of religious and political freedom, will brook no further delay; and which cannot be more appropriately expressed than when we say, in behalf of the great majority of the people—Give us our rights, or we will take them.

We ask for nothing that is not clearly right, and we are determined to submit to nothing so manifestly wrong as the corrupt and anti-republican system of government which has so long subsisted in Rhode Island by the forbearance of the people.

Bear in mind that there is no constitutional mode of amending our government, except by the people at large, in whom, as the successors of the king of England, the sovereign power resides and remains unimpaired by any lapse of time, or toleration of past abuses.

That there is no bill of rights in this State, except that granted by the legislature, and which they can at any moment resume and annul.

That the General Assembly is a body irresponsible to the majority of the people, restricted by no constitutional rule of action, virtually omnipotent, making and unmaking the people, doing and undoing what it pleases, according to its "especial grace, certain knowledge, and mere motion," in imitation, upon a smaller scale, of the monarchy of Great Britain.

That the system of representation to this Assembly is also the rotten borough system of Great Britain, now partially reformed; by which system, in this State, a third of the freemen and one-ninth of the people command the House of Representatives.

That, by reason of the landed qualification, which it is impossible for the great majority to obtain, two-thirds of the people are ousted of the birthright acquired for them by their fathers; and are governed, taxed, compelled to do military duty, and subjected in all respects to the will and pleasure of one-third, with the sole restriction imposed by the constitution of the United States.

Instead of enumerating other particulars, we only say, look at the history of Rhode Island legislation.

Fellow-citizens, it is these evils to which the great unenfranchised majority, acting in their original, sovereign capacity, propose and intend to

apply an effectual remedy. We ask your aid and assistance in this good work. We respectfully urge upon you to assist in the election of delegates to the popular convention to be held in October next—not as the friends or opponents of any political party now existing in this State, but as the friends of justice, of humanity, of liberty, of equal rights, of well regulated constitutional government.

Do not be deceived by the freeholders' convention called for November next. It is a gross fraud upon the people. The designs of its originators was to chrystalize, in a stronger form, the present statute provisions relative to suffrage, and to place them beyond the reach of amendment, except by the hand of force.

Once more, we say to the unenfranchised mass of our brethren and fellow-citizens,—Your rights are in your own hands. Assert and vindicate them like men determined to be free. See to it that a meeting for the choice of delegates is duly held in every town, and that its proportional number is regularly elected. Summon your friends and neighbors to the work; and, rely upon it, that a constitution framed by such a convention, and signed by a majority of the people, will be promptly acquiesced in by the minority; will be vigorously sustained; and will become, without delay, the undisputed, paramount law of our State.

By order, and in behalf of the State committee.

SAMUEL H. WALES, *Chairman.*

BENJAMIN ARNOLD, *Secretary.*

PROVIDENCE, July 24, 1841.

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No. 18.—(E.)

*Extracts from the oration of George R. Burrill, delivered in Providence in 1797, in favor of a republican constitution.*

"Something better than a void, or at most an imaginary constitution, was to have been expected from the State of Rhode Island. We inhabit a crazy and comfortless mansion, shaken by the winds, and pervaded by the storm. The materials are around us of a stable, commodious, and magnificent edifice—such a one as might invite the stranger to dwell in it, and be honored and imitated by distant people. The foundation is laid in the independence of our country; let the superstructure, the constitution, perfected from the models of our fifteen States, and the experience of our own numberless necessities, be raised and fixed upon it. The final extent of a territory in the State will render unnecessary that complexity which is found in the constitutions of most States. In fine, we might enjoy a constitution more simple, efficacious, and cheap, than that of any other free government.

"But if, in a representative government, the greater number of the people choose only the minority, and the smaller number choose the majority of the legislature, how shall a constitution, or a change in the constitution, be effected? Equal representation in such a case will be the consequence of a constitution, and will deprive this majority of that precious power, of which men are so tenacious, and which, when they are once in possession of it, they will strive to render perpetual. To petition this legislature for equal representation, is to require the majority to surrender their power—a



requisition which it is not in human nature to grant. But is this evil to be perpetual? Is there not in every free government the principle of amendment and accommodation—a radical health-giving principle—a natural constitution, paramount to all positive institutions? If there is not, there may then be, in a given case, a free people, who neither are nor ever can be governed by their representative; and the government, thus corrupt and absurd, may exist with all its errors and abuses forever, exhibiting this paradox—a free, sovereign, and independent people, desirous of changing their form of government, without the power of doing it. Such a perpetuity is absurd and repugnant; the power exists in the State, and in every free State; and that of necessity, and independently of any human provision. Representation always supposes proportion. A hundred inhabitants in one place cannot be represented by one man, while an equal number in another place are represented by ten men. Either, in the first instance, there are ninety who are not represented; or there are, in the second instance, nine persons in the legislature who represent nobody. Such a disproportion always constitutes a tyranny, active or dormant, and severe or not, according as the disproportion is great or small. The minority and their constituents are absolutely in the power of the majority. If this disproportion may consistently exist in any degree, however small, the principle is admitted, and it may exist in any degree, however great. It is certainly impossible to justify such a government in the understandings of that minority or their constituents. It is absurd to maintain that the people are free in a despotic government, or that the government may be so constructed as that it never can alter or improve, and that its errors and abuses must be perpetual. Yet this doctrine, so absurd, so repugnant and contradictory, has found its advocates. If there is any convenience or advantage in equal representation, it becomes a right; and rights are equally sacred, and to withhold them is equal injustice, whatever may be the subject to which they relate, whether pecuniary or political. To withhold this right, may be the triumph of petty ambition, the jest of those who trifle with justice, and indifferent to those waxen consciences which may be moulded to every feature of circumstance; but to the upright and liberal mind, and public spirit, it is matter of serious concern, and, measured on the scale of moral justice, it is a high-handed wrong.

“The whole constitution of a free government is not a positive institution; neither is it or can it be written upon paper. No machinery can destroy the force of gravity, neither is there need of machinery to precipitate bodies to the earth. No law can make that right, which is morally wrong. As in natural philosophy and in morals, so also in government, there are certain fixed and unchangeable maxims, which enter into the very essence of it, which no written constitution can vary, or needs or ought to explain or declare. The existence of this constitution paramount is so true, that there can be no free government where it is not acknowledged. It is the rectifying principle, which enables government to effect the purposes of its institution. It is like the operations of nature, which, in the natural body, repair the waste of age, disorder, and injurious impressions. When these operations are weakened, the body decays; when they cease, the body is dead. It is the standard and regulator of every function, continually correcting and improving. Whenever any authority supersedes the constitution paramount, that authority becomes absolute power. In a free government, no majority, even among the people, who alone are the makers of the written

constitution, can prevail against it. *The power of such a majority is but the power of the strongest, and not a legitimate or constitutional power. Much less can the legislature, to which even the written constitution gives law, control the constitution paramount, to which all other authority is subordinate.* Whenever a court of law exceeds its jurisdiction, the judgment is illegal and void, and the ministerial officer executes it at his peril. All laws enacted by the legislature contrary to the constitution, are also void, and not binding upon the courts of law or the citizen. In like manner, whenever the written constitution contravenes the constitution paramount—or, in other words, the principles and immutable maxims of free government—it is void. *Rebellion, therefore, or resistance to law and order, is not to be imputed to those who maintain this supreme authority, although they act in opposition to a written constitution; because, wherever the two authorities interfere, the subordinate is void, and must give place to the supreme authority. Still less can the charge be alleged, where there is no written constitution, or where it was never ratified by the people, but imposed on them by an authority which they have in the most solemn manner renounced.* Equal representation is involved in the very idea of a free government; it is accordingly and consequently provided by the constitution paramount, that every citizen shall be represented. When and how this equal representation shall operate, is left to the written constitution to provide; but that it shall operate, is already provided for by the constitution paramount. *Resistance to this supreme authority, is that act of domestic violence, against which the government of the United States is to protect the individual States.*

“There are three principal branches in government—that is to say, the makers of the written constitution, the law-makers, and the administrators of the law; or, in other words, the people, the legislature, and the courts of law. All other branches are collateral and ministerial. *The making of the constitution paramount is no act of government; it always exists; it is the immediate work of God, and a part of nature itself.* These three branches are distinct and separate. A court of justice cannot create a legislature, or enact a law; since it exists after the law, is created by the law, and acts under it. *Neither can the legislature create a constitution; since the legislature itself is the creature of the written constitution, is posterior and subordinate to it.* The court of justice cannot judge of the necessity of passing a law, or dictate when or how it shall be made. *Neither can the legislature judge of the necessity of forming a constitution, or dictate when or how it shall be formed. To the court is referred to pronounce judgment; to the legislature, the enacting of laws; and to the people, the forming of a constitution;* and to each distinct branch, every question appertaining to its respective function. In petitioning the legislature, therefore, for a constitution, we are guilty of deserting from principle, and of abandoning our rights. We might as well petition the superior court for a law. The question is referred to an incompetent tribunal. It is *coram non jndice*. The determination of it rests with the people. It is that sole and transcendent act of authority which resides in the people—and that, not by representation, but personally and numerically. The convention which forms the constitution, is but a committee of the people. This is a jurisdiction which cannot be transferred. The exercise of it is the resumption of delegated power, and a recurrence to the elements of government.

“From every light in which we can view a free republican government,

it seems to follow, incontestably, that an inherent perpetuity in the form of it is abhorrent and repugnant; that it must contain within itself the principles and means of amendment and accommodation; and that these purposes are effected by an acknowledgment of the existence of the constitution paramount, and of the exclusive jurisdiction of the people in all questions relating to a constitution."

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No. 19.—(F.)

*Extracts from the Manufacturers and Freemen's Journal, under dates of November 27, December 11 and 18, 1820, and January 11, 1821.*

"The late adoption of a written constitution of government by the people of Connecticut, and the convention of delegates of the people of Massachusetts to revise their written constitution of that commonwealth, after a trial of its efficacy during forty years, ought naturally to recall the attention of the people of Rhode Island to their own peculiar situation, with respect to the present possession and exercise of the political power of their small community; and as the discussion of a subject of such general importance comes fairly within the propounded limits of our duty, we shall, as occasion may offer\* and convenience permit, deliver our sentiments on it, with that deference which becomes an individual, zealous, indeed, for the prosperity of his fellow-citizens and the honor of his native State, but conscious of his utter inability to do it justice. If we can, by our feeble endeavors, succeed in calling our fellow-citizens to an attentive consideration of their political state, we have no doubt that older and abler pens will be drawn into the discussion. The glaring defects of our present miserable system, and its utter inconsistency in principle with all our received notions of republican government, will thus be fully laid before the people; and we doubt not, when Rhode Island applies herself to the work of regeneration, she will, though last in the course, adopt a system of government as well devised to secure to her citizens the rights of person and of property, as any which has heretofore been produced.

"If an utter stranger to our laws should undertake to acquaint himself with them by a perusal of our statute book, he would be greatly surprised and perplexed by what he would find in it. The declaration of independence, the articles of confederation, the constitution of the Union, and the farewell address of the father of his country, would undoubtedly convey to him very clear perceptions of what we have gained in theoretical and practical politics from our connexion with our sister States. He might read our bill of rights, and pronounce the principles which it asserts to be purely republican; might admire the regard which it pays to the freedom of person and opinion—the assurance which it professes to extend to the rights of property, &c. But what would he—what could he say, when, looking for the platform of government on which our freedom and rights are supposed to depend, he should find nothing but the charter of a king—a despicable king, too—given one hundred and sixty years ago to twenty four planters, by which they are armed with the corporation powers which are usually given to trading, charitable, and literary associations, and allowed to hold an assembly for the enactment of bye laws, subject to the revision of this



king in his council. Supposing this stranger to be well acquainted with the English common law, the nature of the feudal tenures, of the English laws with regard to corporations, of the responsibility of corporations before the English courts of law, and the modes of proceeding against them in those courts,—what, we ask, must be this person's estimate of the origin of our primary laws, and the degree of legal security which our ancestors enjoyed under them? If he considers this charter in reference to the declaration of independence, by which the supreme and controlling power which the English king in council and his courts of law exercised over the proceedings of the General Assembly, was abolished, and that body left without any superior or controlling power to check its attempts upon individual rights or general freedom, he must be astonished that a free people have, for more than forty years, submitted to a species of government, in theory, if not always in practice, as despotic as is that of the autocrat of all the Russias. That the General Assembly, which now pretends to a legitimate right to govern us, exists and acts by its own authority alone; that the bill of rights, which was lately a theme of his admiration, flowed from the mere good will and pleasure of that assembly, and may be revoked at its will and pleasure; that the people of this State elect their Representatives to this assembly only by its permission—a permission which it may withdraw at pleasure; that this assembly does not acknowledge its dependence on the people, but, on the contrary, considers itself as existing by its own mere will, without check, balance, or control, exercising the whole government, legislative, judicial, and executive;—any man, born in a free country, and educated with clear and precise perceptions of the true attributes of a representative and popular government, will be astonished that the people of this State have so long submitted to a platform of government which is devoid of all authority from the people, and which, though it gives the whole supreme power to eighty-four despots instead of one, is not the less arbitrary and despotic on that account.

“Now, the principles upon which rest the liberties of America, and all the systems of government which the several States have established for their security, are so simple and comprehensive, that no two men in the country will be found to dispute upon them.

“The people of every political community are, under God, the only legitimate source of political power. To them, and to them only, belongs the right of establishing governments; and, without their assent, express or implied, no government has any legal force or binding authority. They may create, modify, or entirely alter governments, at their pleasure; they may, if they choose, establish a government of the few or the many—monarchical, aristocratic, or oligarchical; and they may grant to any government so by them established such powers, limited or unlimited, as are not inconsistent with the immutable laws of nature and of nature's God.

“Is the government under which we live consistent with any of the principles which we have laid down? It was not established by the people of this State, nor is it amenable to them; it acknowledges no superior or creating power, and claims to exist and act by its own omnipotence; it answers to our ideas of a pure despotism, because the General Assembly engrosses and exercises, in person or by substitution, all the powers of sovereignty.

“On these several points, it is our purpose hereafter to enter into a full discussion of the question whether it is expedient for the people of this

State to assemble in convention, and to establish a government of their own. In the course of the discussion, we shall endeavor to draw the outlines of such a government as would be consistent with our republican principles, highly auspicious to the rights and immunities of the people, and promotive of their best interests.

"We are aware that many of our most distinguished fellow-citizens are, for various reasons, opposed to the adoption of a written constitution, and that they will exert all their talents and influence to prevent such a measure. But, whatever respect we may entertain for these gentlemen, we shall not remit our feeble endeavors in a cause which, in our apprehension, is the cause of the people. To promote the general good, we should disregard the suggestions of self-interest, and the local and sectional jealousies which stand in our way; for, certainly, the common will ought to prevail over all such considerations."

In a subsequent address, it is said: "We would seriously ask these gentlemen by what authority, or permission, the free people of this State assemble in April and August to choose their representatives? Is it not solely by the permission of this tremendous oligarchy—this non-descript monster in politics—which may, at its own pleasure, repeal the laws which give this permission, declare itself perpetual, and supply all vacancies in its own body by its own election?"

"If the people of this State wish to secure these inestimable liberties which every freeman knows to be his unalienable right, they must make the ordinary legislative power what it ought to be, and in every other State is—the creature, instead of the creator, of the laws; the work of the people in convention assembled."

Again it is said: "It is a subject well worthy of the consideration of legislators, whether oaths ought not to be dispensed with; or, if retained, be reserved for the most solemn occasions."

And again: "That omnipotent body (speaking of the General Assembly) should consider that the people are competent to form a convention for themselves, without the authority of their *high mightinesses*; and that a longer delay of duty on the part of those who now set up the title of *legitimacy*, may produce such a result."

## No. 20.

### *Testimony of Aaron White, jr.*

1. Question by the committee. Were you a citizen and resident of the State of Rhode Island during the difficulties growing out of the late attempt by the people of that State to establish a free constitution? and how long have you been a citizen of that State?

Answer. I became a resident in Rhode Island in the year 1820, and continued such, without interruption, until June, 1842.

2. Question by the committee. Were you what is termed a "freeman" in the State of Rhode Island, and entitled to the right of suffrage under the charter?

Answer. I was admitted a freeman of Rhode Island about the year 1822, and continued such, with a short interruption by sale of freehold, until June, 1842.

3. Question by the committee. Were you conversant with the causes which led to the suffrage movement? and if so, please to state them.

Answer. As a citizen of Rhode Island, I took part in the late suffrage movements, and have an opinion concerning its causes. These causes were various, and different classes were actuated by different motives. By far the largest class were influenced by a desire to extend the rights of suffrage; and from this class the suffrage party derive their name. With the freeholders, in the earlier stages of the suffrage movement, there was another cause which had great influence; and this was, the notorious frauds in qualifying voters, which were supposed to be practised mostly in the manufacturing villages. Under the charter government, a freehold qualification was requisite for an elector. In villages, small tracts of land were divided into house lots, (as these were called,) and these lots were conveyed to individuals, who would vote as the grantor desired; the grantor retaining the grantee's note for a sum above the actual worth of the land, for his security. As a conveyancer, I have often examined deeds of this character, nor have I any doubt of their being extensively used.

The extent to which this system of fraud was carried in 1840, so irritated the freeholders, or a large portion of them, that they preferred giving up their freehold privilege directly, rather than to be defrauded in this manner. In the present constitution now in operation in Rhode Island, the same opportunity for practising fraud is retained, in regard to foreigners, who reside mostly in villages; and I believe that this is the sole reason of the difference made between native and naturalized citizens in said constitution.

4. Question by the committee. Did you take any part in the late suffrage movement; and if so, what part did you take?

Answer. In the early part of the suffrage movements, I joined a suffrage association formed in my neighborhood, but did not take much interest in the matter until a later period. I never attended any of the preliminary mass conventions, or participated in their doings; was not a member of the people's convention, or present at their sessions, except one evening when I addressed the convention in behalf of the colored citizens. I was known to be friendly to the suffrage party, but I was a member of an abolition society. This society was controlled by the charter party, and was used as a chief agent to stop the movements of the suffrage party. From a very natural jealousy in the minds of the suffrage men against a body of men for the most part active opponents, I was not called upon to take a very prominent part until a late period, when, from my active zeal in their cause, the suffrage men became satisfied that, though an abolitionist, I was nevertheless their sincere friend—as I truly was, and always regretted the course taken by my abolitionist brethren, which I imputed solely to the donations which the wealthy charter men made to the funds of the society.

About the beginning of 1842, while the question of adopting the landholders' constitution was before the people, I was frequently invited to address suffrage meetings, and did so. On these occasions, while other topics were noticed, my leading argument was "our duty to defend the common right of the citizens of the United States to make their own constitutions of their own free will; that, without the conservative principle of popular sovereignty, always ready and free to act, the best constitution that language can express would soon be expounded into a useless instrument by



the power of construction. It was on this ground, mainly, that the landholders' constitution was opposed, so far as my communications with the suffrage men extended. The landholders' constitution, in itself, would have been, so far as it concerned suffrage, I think, acceptable; and its adoption would have given peace to the State, and power, as was generally believed, to the suffrage party in Rhode Island, for some years to come; but coming forth as it did, coupled with an implied surrender of an invaluable right, the suffrage men freely (and, I believe, from a clear and strong sense of duty) omitted all present, personal, and local advantages, rejected the offered constitution, and, by so doing, incurred calamities too numerous to be here related. In all our sufferings, I have never yet found a single suffrage man who regretted the rejection of this constitution. It has been my chance to meet, since that period, individuals of the suffrage party suffering under all the various forms of oppression that a most inhuman persecution could devise and dare inflict. I have met them fleeing from their homes before an infuriated banditti called law and-order soldiers. I have found them in prison and in exile. I have seen them suffering from the derangement of their business, from the loss of property, and from the loss of employment. In all these situations, I have always found them buoyed up by one common consolation—and this was, that the principle which they deemed the ark of their country's freedom, they had never surrendered.

The landholders' constitution was rejected in March, 1842. At the next session of the charter assembly was enacted the well-known Algerine act, as it is usually called. Soon after its passage, I called on Mr. Samuel Ames, of Providence, (an active partisan of the charter party, and holding, I believe, the office of quartermaster under the charter assembly at that time,) for the purpose of ascertaining the use intended to be made of this act. Mr. Ames informed me that he either draughted said act, or was consulted concerning the same before its passage—I forget which. He entered into explanations respecting the design of said act, very fully. He stated that the charter party were resolved never to submit to the people's constitution; that they were able to defend the charter government; that the charter party were apprehensive of raising the question of legality before a foreign tribunal; and that if the people were permitted to organize a government under the people's constitution, the question as to the validity of that constitution might come before Congress or the United States court—but that, until such government was organized, no such question could be raised; that the design of this act was simply to prevent our raising this question. He then proceeded to explain the intended mode of operation; which was, to arrest the moderators and clerks of our primary meetings as fast as they were elected.

I called on Mr. Richard W. Greene, the United States district attorney, about the same time, and found his ideas in regard to said act coincided with those expressed by Mr. Ames. From the access which these two individuals had to the councils of the charter party, I have no doubt of the correctness of their information. At this crisis, the part I took was to advise, excite, and promote, on all occasions, and by all means in my power, disobedience to the aforesaid Algerine act, in all its injunctions.

The first elections under the people's constitution were held without molestation.

On the first Tuesday in May, 1842, a government, under the people's constitution, was organized in the city of Providence—peaceably, inas-

much as it was done without interruption—and forcibly, if acting under the protection of a body of men so numerous and well armed as to render all interruption folly, is to be called forcibly.

5. Question by the committee. Were you a candidate for any office under the government established by the people's constitution? were you elected to the same? and did you accept and serve in the office to which you were elected?

Answer. No.

6. Question by the committee. Are you now a resident of Rhode Island? if not, when did you leave that State, and what were the causes of your leaving?

Answer. I am now a citizen of the State of Connecticut. I left Rhode Island in June, 1842. The causes of my leaving are, briefly, as follows: Soon after it was understood that the national Executive would interfere in our affairs with the military arm of the Union, on the side of the charter party, the idea occurred to the leaders of the charter party that such interference might answer a double purpose: first, to sustain the charter government; and, secondly, to put down the suffrage party, and put an end to the mischievous and dangerous agitation then going on. The first point was easily gained, as the suffrage party, for the most part, determined to use no force after the organization of their government. The second point required some effort. An apology would be necessary before such strong measures were adopted; and, to my mind at that time, and now, the charter party determined to find one, by driving, if possible, the suffrage party into a position that might be called rebellious; and then, by strong military demonstrations, to be followed by other measures of proscriptive and legal oppression, to crush and destroy the suffrage party. Foreseeing, as I thought, this series of operations,—while I determined, on the one hand, never to own the power of tyrants by submission, I also took measures to escape their fury. In May, 1842, I sent off my most valuable papers to Worcester, Massachusetts, and commenced arranging my affairs to meet the crisis. In June, I removed my library and other property from my house; and before the assemblage of the suffrage men at Chepachet, I was ready. As soon as my neighbors started for Chepachet, I left my home in the full expectation that in a few days it would be exposed to the insults of Algerine marauders. When I left, I did not intend to return until military vengeance should have ceased its operations.

7. Question by the committee. Were you at any time charged with the crime of treason under the charter government (so called) of Rhode Island, or its laws, rebellion, other crime, or misdemeanor growing out of your approbation or support of the people's constitution and government? Were any attempts made to arrest you, by or under the authority of said charter government, for political offences against the State; and if so, for what offence? And were requisitions, to your knowledge, made by the charter authorities of Rhode Island, upon the executives of other States, for your apprehension and delivery to said charter authorities; and if so, on the executives of what States were such requisitions made?

Answer. On the 14th of July, 1842, a warrant, founded upon a charge of treason, was issued for my apprehension in Rhode Island, by Henry L. Bowen, a justice of the peace under the charter government. On this warrant, after a return of "not found in Rhode Island," application was made to the executive of Massachusetts for my arrest in said State; and on the

15th of July Governor Davis issued his warrant for my apprehension and surrender to the charter authorities of Rhode Island. This warrant I have seen and read; and I have in my possession a copy of the Rhode Island papers in said case, furnished by the order of Governor Davis. This warrant was placed for service in the hands of Mr. Sullivan Thayer, a sheriff in the town of Uxbridge, Massachusetts. After it was out by lapse of time, I called on Mr. Thayer, and examined it, and found that the restrictions and limitations promised had all been faithfully inserted; and, at the request of Mr. Thayer, I dictated a return of "*non est inventus*" on said warrant, in due form of law.

I have heard by report, through the medium of Lemuel H. Arnold, one of Governor King's council, that a similar warrant was obtained from the executive of New York, but know nothing further respecting it.

These warrants were obtained against a number of individuals in different States, by the charter authorities of Rhode Island—whereof I have seen eleven in the whole, I believe, at different times. In general, they were harmless things out of Rhode Island. I never heard of but one instance where a warrant of this character was served. In that case, the Algerines secured an arrest, by making a previous contract with the person to be arrested. Out of Rhode Island, the charter authorities were universally disliked—not to say detested; and in their efforts to bring back offenders for political offences, were cheated, betrayed, and thwarted on all sides, without regard to party or station, from the highest functionaries abroad, to the lowest minions in their own employment.

8. Question by the committee. Do you know of any acts of violence to the persons or property of individuals of the suffrage party, committed by any person acting under the authority of the charter government; and if so, please name them?

Answer. During the infliction of martial law, as it was called, I was not within the State of Rhode Island, and, of course, could not be a witness of what was there done. To relate the history of the wrongs and outrages perpetrated by the agents and emissaries of the Algerines, as related to me by the sufferers themselves, would require volumes. Some account of these doings found their way into the newspapers, but none equalling the reality of those reported to me by persons on whose veracity I thought I could depend.

In my own case, I visited my house in Rhode Island some time after the withdrawal of the charter troops from that quarter. I found doors forced in, windows broken, chests and boxes dashed to pieces, and some small articles, of no great value, carried off—enough to show what was their object, and to denote the character of the "law and order" military, by whom I was told that my house had been visited.

It has been said, as I have understood, that these entrances into our dwelling-houses were for the purpose of recovering stolen property—a statement which, I believe, has neither truth for its origin, nor sincerity in its utterance. During the continuance of martial law, I think some four or five hundred dwelling houses must have been entered, and, in many instances, plundered by the charter troops; a large amount of property was taken and carried off; and though much of this property may have been appropriated by the charter soldiers to their own private use, still I should infer, from the notices I saw in the Providence papers, that a considerable portion was lodged in the Algerine depositories, where it could be examined. Out of all this property, I have never heard or seen it alleged that a



single article of stolen property was ever discovered. Nor do I believe that the Algerine troops ever entered a single house with any intent or expectation of finding stolen goods.

9. Question by the committee. Do you know of any personal participation in the late difficulties in Rhode Island, of John Pitman, United States judge for the district of Rhode Island; John S. Pitman, clerk of the United States district court for said State; Richard W. Greene, United States district attorney for said State; William R. Watson, collector of the port of Providence; Sylvester Hartshorn, United States marshal for said State; and Edward J. Mallet, postmaster at Providence, on either side? and if so, please state what you know in relation to the subject of this inquiry.

Answer. With all the persons named in this interrogatory I am acquainted, and with some of them intimately so.

Of the part taken by Judge Pitman I have no knowledge, excepting by hearsay. If that is to be relied on, he must have been an active partisan of the charter government. I have understood that his son, John S. Pitman, bore arms in the charter ranks.

I have no knowledge of anything done for the Algerines by said Hartshorn. In May or June, 1842, I was informed that the charter government were using the United States custom-house in Providence, as a place of deposit for arms, and I called at the custom-house to find out. At the custom-house I found Mr. Ames, the Algerine quartermaster, and with Mr. Watson superintending the storage of some boxes. I inquired of Mr. Watson what were the contents of said boxes? to which he made an indirect reply; so that I thought then, and think still, that said boxes contained arms or munitions of war.

During the winter and spring of 1842, and up to the time of my leaving Rhode Island, I had frequent conversations with Mr. Richard W. Greene in relation to our Rhode Island difficulties; and the information and intimations derived from this source proved to me of great value, as I was thereby enabled to anticipate the movements of the Algerines, and escape that derangement of my affairs, and loss of property, which proved so disastrous to many of my suffrage friends. How far Mr. Greene advised and promoted the operations of the Algerines, I cannot say; that he was conversant in their counsels, I am sure, from the accuracy of his intelligence. At times in the spring of 1842 I saw him in military equipments, but always supposed that his assuming the dress of a soldier was more to win the favors of a profitable class of clients, than to win the laurels of a warrior. The last time I saw him was in Connecticut, soon after Governor Dorr's return from Chepachet. He was then inquiring for Governor Dorr.

I never knew much of Mr. Mallet's doings in these times. By report, he was sometimes on one side, and sometimes on the other—evidently wishing to be on both sides if he could, and to keep on the strongest at all events.

10. Question by the committee. Was there, during the existence of the late difficulties in Rhode Island, growing out of the suffrage movements, to your knowledge, any plot or design formed by the suffrage party, or any individual of that party, or any supposed confederates of that party out of the State of Rhode Island, to plunder the banks and violate the women of the city of Providence? And have any circumstances or facts ever come to your knowledge, which induce you to believe that such a plot was formed? and were you in a situation to obtain the knowledge of such plot, if any had been formed?

Answer. I have never heard of any such plot or design, except in the Algerine newspapers. I do not believe that any such intent, design, or wish, ever entered the head of Governor Dorr, or a single individual of his associates and confederates. If it had, my situation was such, that no man would have sooner found it out than myself. I would further state, that a very large proportion of the men who assembled on Acote's Hill were from my own immediate neighborhood, and had been my acquaintance for years. If any judgment can be formed from their previous conduct and standing in society, they were a class of men morally incapable of entertaining any such designs. I have ever considered that this charge of plunder and violence in regard to the banks and beauty of Providence, as an utterly groundless accusation, invented to apologize for the inhuman cruelty and outrageous indecency of the Algerine officers and soldiers. The city of Providence was one of the strongest suffrage places in the State, as can be seen by the votes. The women of that city were on the suffrage side, almost *en masse*, as can be seen by the papers. The chief value of bank plunder depends on the credit of their bills, which every one knows is worthless as soon as plundered by civil violence. Indeed, I know not which is most to be wondered at—the unblushing effrontery of this falsehood, or the utter want of probability in its construction. I cannot believe that this charge, often as it has been repeated, has ever obtained a moment's credence in a single head of common understanding in all Rhode Island.

11. Question by the committee. Do you know of any persons now in prison, or under indictment, or under arrest, or, having been arrested, are now at large on bail, or in voluntary exile, for political offences committed against the charter government? and if so, please to name the persons and the offences of which they stand charged.

Answer. My means of finding an answer to this question must be mainly hearsay testimony, and accounts published in the newspapers, as I was obliged to flee from Algerine persecution very near its commencement. The only persons whom I saw under arrest, and in the cells of the prison, for political offences, were Messrs. Benjamin Arnold, jr., and Hezekiah Willard. I have understood that Messrs. Daniel Brown, Joseph Joslin, and Dutee J. Pearce, of Newport, William H. Smith, Franklin Cooley, Burrington Anthony, and David Parmenter, of Providence, are, or recently were, under indictment for political offences, and under bail; and that Messrs. Bowen and Slocum, of Glocester, were in a like situation. Mr. Martin Luther, of Bristol county, is said to be in prison, under sentence for offences created by the Algerine act. Thomas W. Dorr is now in prison at Newport, under an indictment for treason. The number in exile I cannot state with certainty, as they are now scattered in different parts of the country.

12. Question by the committee. Do you know that Thomas W. Dorr, at any time during the late difficulties in Rhode Island, enlisted troops out of the State of Rhode Island; or that any person out of said State volunteered, in a military capacity, to aid him in establishing the government elected under the people's constitution?

Answer. I never knew or heard that any such enlistment was made, or attempted, or intended to be made by Governor Dorr, or any of his friends or adherents—that is, from him or them; and further, I know that Governor Dorr was, at this time, utterly destitute of the means necessary for the very commencement of such attempt. He could hardly find means for the movement of his person, much less for the movement of armies. As to

volunteers from abroad, I believe there was some military politeness to that effect proffered in New York; and Governor Dorr, in his proclamation of May 16, speaks (I have no doubt sincerely) of help that might be expected from abroad; but my opinion at the time, and I believe that of the suffrage party generally, concerning this foreign aid, was, that it was what it turned out to be—to wit, all fancy.

13. Question by the committee. Is the book herewith exhibited, purporting to be a copy of the names of all the persons who voted on the question of the adoption of the people's constitution, in your handwriting? and is it a true copy of the registers of the voters who voted for and against said constitution?

Answer. The book is in my handwriting, and is, as I believe, a true copy of said registers of the voters' names. The freeholders' votes in some towns were kept in separate packets, and in others were distinguished from the non freeholders' by separate lists.

AARON WHITE, Jr.

APRIL 29, 1844.

Then the above testimony was subscribed and sworn to before me,

EDMUND BURKE,

*Chairman of the Select Committee  
on the Rhode Island memorial.*

No. 21.

*Testimony of Colonel James Bankhead.*

1. Question by the committee. Are you an officer of the army of the United States, and what rank in it do you hold?

Answer. I am an officer of the United States army, and am the colonel of the 2d regiment of artillery.

2. Question by the committee. Were you, in the spring of 1842, during the late difficulties in Rhode Island, growing out of an attempt by the people to establish a constitution, directed by the President of the United States, the Secretary of War, or the commander-in-chief of the army, to proceed to the State of Rhode Island and take command of the military forces there assembled; and if so, what was the substance and purport of the orders under which you acted?

Answer. I was directed, by letter from the Adjutant General's office, dated May 5, 1842, to "repair to Newport, Rhode Island, and there remain until all appearances of domestic violence shall have disappeared."—(See letter of May 5, 1842, from Adjutant General's office.)

3. Question by the committee. Did you, at any time, in pursuance of the orders under which you acted, hold communication with Governor King, or any of the acting authorities of that State; and did you, during the pending of said difficulties, advise with Governor King, or any of said authorities, in relation to the action or movement of the troops under the direction of said governor and authorities, or the troops of the United States under your command, against that portion of the people of said State who were attempting to establish a government under the constitution they pro-



fessed to have adopted ; and if so, what was the purport of your advice to said authorities ?

Answer. I conferred with Governor King to obtain information of the state of affairs in Rhode Island, that, if important, I might communicate such information to the Government.

I had no orders or authority to advise with Governor King, or any of the authorities of the State, in relation to the action or movement of the troops under the direction of the said governor and authorities, or of the troops of the United States under my command, against any portion of the people of the State of Rhode Island.

4. Question by the committee. Do you know that troops of the United States were ordered from other posts at which they were stationed, to Rhode Island, during the pending of the difficulties before referred to ; and if so, what corps and what number ; and did any of said troops enter the limits of the territory of Rhode Island ?

Answer. On the 2d of May, 1842, the garrison of Fort Adams was reinforced by two companies of artillery from Fort Columbus, New York, making the *aggregate* force there 302.

June 17, 1842, two of the companies left Fort Adams, and one company of mounted artillery joined, reducing the aggregate force in Rhode Island to 190.

July 2, one company of mounted artillery joined the post, making the *aggregate* force 269.

5. Question by the committee. Were there, to your knowledge, at any time during the pending of the difficulties before mentioned, arms, ammunition, and other munitions of war belonging to the United States, delivered to, or in any manner placed at the disposal of, the acting authorities of the State of Rhode Island, or any of their officers or agents, or troops in their service, to be used against that portion of the people of that State who were attempting to establish a free constitution ? Were any of the officers of the United States army, acting under your orders or not, engaged personally in counselling and advising the acting authorities of said State, or in drilling and disciplining troops acting under the orders of said authorities ?

Answer. No ammunition, or any munitions of war belonging to the United States, were delivered to, or in any manner placed at the disposal of, the acting authorities of the State of Rhode Island, or any of their officers or agents, or troops in their service, for any purpose whatever, by my authority or to my knowledge—except that a few musket cartridges were loaned to a volunteer company in Newport, by a subordinate officer, in my absence, but which were returned.

No officer of the United States army under my orders, or the orders of the Government of the United States, was engaged in commanding, drilling, or disciplining the troops of the State of Rhode Island. I was not authorized to counsel or advise the authorities of the State on any subject.

6. Question by the committee. Were there at any time during the pending of the difficulties before referred to, arms, ammunition, rations, and camp or other equipage, for active service in the field, delivered to the troops of the United States under your command ; and were they ordered to hold themselves in readiness to act instantly against that portion of the people of Rhode Island who were then attempting to establish a government under the constitution professed to have been adopted by them ?

Answer. No orders were given to the troops to hold themselves in readi-

ness to act instantly against that portion of the people of Rhode Island who were then attempting to establish a new government, or any other portion of the people, by any authority emanating from the Government. I may possibly have given instructions to the troops of my command to be in readiness for any service they might be called on to perform; but of this I am not certain, for the troops are always ready, and prepared for any service they may be called on to perform.

No extra supply of arms, ammunition, rations, camp or other equipage for active service in the field, was delivered to the troops of the United States at the time referred to above. Some defective muskets were exchanged, by my order, for effective ones; and a battery of field artillery, and equipments and ammunition, were sent to Fort Adams; but they were necessary, and required for the ordinary practice and instruction of the artillery companies; the field battery which had been in the service of the companies then at Fort Adams, having been left at Buffalo.

Two companies of artillery were ordered from Fort Monroe to Fort Columbus, under the command of Lieut. Col. Fanning, with instructions that he should report their arrival at Fort Columbus to Colonel Bankhead.

7. Question by the committee. Were you at Chepachet during the time of the military demonstration of Governor Dorr at that place; and did you counsel with and advise the acting authorities of the State of Rhode Island, civil or military, in relation to the best plan of attacking Governor Dorr's position?

Answer. I was not at Chepachet during the time of the military demonstration of Governor Dorr at that place. I visited it after he and most of his followers had fled.

I had no authority to counsel with or advise the authorities of the State of Rhode Island, civil or military, in relation to the best plan of attacking Dorr's position.

8. Question by the committee. Had you any other orders from the President of the United States, or other superior officer, written or verbal, in relation to your military conduct in Rhode Island, during the pending of the late difficulties in that State, other than those communicated to the House of Representatives by the President with his late message; and, if so, what were their substance and purport?

Answer. I received no orders from the President of the United States, or other superior officer, in relation to my military conduct in Rhode Island, during the pending of the late difficulties in that State, except to obtain the most correct information of the then state of things, and to communicate it to the proper authority.

JAS. BANKHEAD,  
*Colonel 2d regiment artillery.*

MAY 3, 1844.

Then the said James Bankhead made solemn oath that the foregoing testimony by him subscribed is, in his belief, true. Before me,

EDMUND BURKE,  
*Chairman of the Select Committee  
on the Rhode Island memorial.*

*Testimony of John R. Vinton, esq., captain 3d artillery, United States army.*

1. Question by the committee. Are you an officer of the United States army; and if so, what rank do you fill?

Answer. I am a captain in the 3d regiment United States artillery.

2. Question by the committee. Were you in Rhode Island, in 1842, during the difficulties growing out of an attempt by a portion of the people of that State to organize a government under a constitution alleged to have been adopted by them? And if you answer in the affirmative, were you at that time connected with the military force of the United States quartered in that State?

Answer. I was on leave of absence for several months in 1842, and for a portion of the time was in Rhode Island. I had not arrived there, however, so early in May as to witness the first outbreak, (on the 17th of May, I believe;) and I happened to be absent at New York at the time of the second, (in June, I believe.) Application was made to me by some of my fellow-citizens, in the meanwhile, to lend my professional aid in furtherance of their cause; but, feeling myself bound as an officer of the army to observe the neutral policy known to be entertained by the General Government, I reluctantly declined to act. When I heard afterwards, however, that my native State had been invaded by a force from abroad, I immediately repaired to Washington, to signify to the President my strong desire to act, and to claim the privilege, as a citizen of Rhode Island, to be exempted for the time from my responsibilities as an officer of the United States army. The President seemed decidedly averse from any interference by the army with the affairs of Rhode Island, and declined to give any official sanction in the case. I returned to Providence, resolved to be governed by circumstances; but, before I arrived there, the forces under Mr. Dorr had been dispersed, and the contest was over.

I was not at that time connected with the military force of the United States quartered in the harbor of Newport.

3. Question by the committee. Did you at any time during the existence of the difficulties growing out of the attempt of a portion of the people of Rhode Island to organize a government under their constitution before mentioned, aid and assist the charter authorities of said State, by drilling and disciplining troops under the command and direction of said authorities, or instructing them, by lectures or otherwise, in tactics and strategy? And did you at any time during the said difficulties, bear arms on the side of the charter government against that portion of the people who were attempting to establish a counter constitution and government?

Answer. "During the existence of the difficulties" I did not. After the difficulties were all over—namely, as late as August and September—I undertook, in pursuance of an invitation from the city regiment of Providence, to carry that regiment through a course of instruction in tactics and strategy, by drills and lectures. I believe all the organized companies attended these drills. If there were others disaffected to the actual government of the State, I was not aware of it. At no time did I bear arms during the controversy between the two parties, for, as I have before shown, I had no opportunity to do so.



4. Question by the committee. Did you give any military aid or counsel to General McNeil, then commanding the forces of the charter government, during said difficulties, or to any officer or agent acting in behalf of the charter government; and if so, what aid or counsel did you give?

Answer. I gave no such aid or counsel.

5. Question by the committee. Do you know of any arms, ammunition, or other munitions of war belonging to the United States, being delivered to, or used by, the troops in the service of the charter government; and if so, by whom were they delivered, and of what description and quantity were they?

Answer. I have no knowledge of anything of the kind.

6. Question by the committee. Do you know of arms, ammunition, camp equipage, and other articles and instruments of warfare, being delivered to the troops of the United States in Rhode Island, with a view to prepare them for service against the suffrage party of said State? and if so, state what you know touching the subject of this interrogatory.

Answer. I know nothing in reference to this subject.

7. Question by the committee. Is the following a true copy of a letter, bearing date January 12, 1843, addressed by you to Col. Wm. W. Brown, and others, viz:

“PILATKA, E. F., *January 12, 1843.*

“GENTLEMEN: I have had the honor to receive to-day your letter, dated October 22d, 1842, conveying to me an expression of the approbation of a large portion of my fellow-citizens for the humble service it was my happiness to render, in obedience to their wishes, during the last summer, when the public mind in Rhode Island was more than usually directed to military affairs. I have also received the very beautiful pieces of plate which accompanied that letter.

“For any service rendered to my native State, I could desire nothing as a recompense beyond the assurance of having discharged, in proper part, that duty which I shall never cease to owe as one of her sons. Not as a recompense, therefore, could I receive the present you have so obligingly proffered; but as a token of the good will and kindly feeling of my fellow-citizens, I regard it as beyond all price, and receive it with emotions of grateful satisfaction.

“Permit me to say, also, that, in view of my relations as an officer of the United States army, this gratifying testimonial comes to me charged with an additional value; for it serves to prove that, even in a season of peace with foreign powers, occasions may arise when the professional abilities of the graduates of our Military Academy may be made acceptable to their countrymen constituting the great militia arm of our national defence, at any time when it may seem good to call such abilities in requisition.

“Accept, gentlemen, for yourselves, and for the members of the military companies whom you represent, the homage of my profound respect and grateful regard.

“JOHN R. VINTON,

“*Captain 3d regiment United States artillery.*

“Col. WM. W. BROWN, and others.

“*Providence, Rhode Island.*”

Answer. It is a true copy of the letter.

8. Question by the committee. When, and of what character, were the services by you performed, to which the foregoing letter relates; and what pay, compensation, reward, or acknowledgment, did you receive for the same?

Answer. The services rendered were simply those I have recited in answer to the 3d interrogatory. No pay or compensation was ever received or desired by me. I should have scorned the very suggestion. My fellow-citizens requested some instruction in the art of war. I had been educated at the Military Academy, and was supposed to be able to give it. I felt it to be a grateful duty then, as now, and always, to bestow myself freely at the call of my countrymen, whenever my services might be required. The letter above quoted shows that the idea of a recompense, beyond the assurance of having discharged my duty, was utterly repudiated by me. The military companies of Providence, however, were intent upon expressing their thanks by a token more substantial than words, and they presented me with several articles of plate, each bearing a flattering inscription. It was in acknowledgment of this mark of their kindness and good will that the foregoing letter was written.

9. Question by the committee. Do you know of any other persons belonging to the army of the United States, commissioned, non commissioned, or privates, who participated actively and personally on the side of the charter government, or held any communication with said government, during the pending of the difficulties before mentioned? If so, please name the persons, and describe the acts which they did.

Answer. I am not aware that any persons of the army so participated.

10. Question by the committee. Do you know, from any source of knowledge in your possession, other than hearsay and rumor, of the existence of any plot or design on the part of the suffrage party of Rhode Island, or of their friends and confederates, in or out of the State of Rhode Island, to plunder the city of Providence, rob the banks of said city, and subject its women to brutal violence? And if so, name the facts within your knowledge, and the persons implicated, or in any way concerned in said plot.

Answer. I have no positive knowledge of any of these things.

J. R. VINTON,

*Captain 3d regiment artillery.*

MAY 11, 1844.

Then the said J. R. Vinton made solemn oath that the testimony above written, by him subscribed, is true. Before me,

EDMUND BURKE,

*Chairman of the Select Committee  
on the Rhode Island memorial.*

No. 22 a.

*Caption and return of commission to Benjamin F. Hallett, esq.*

COMMONWEALTH OF MASSACHUSETTS, }  
Suffolk and Bristol, } ss :

By direction and authority of the commission hereto annexed, requiring the depositions of the persons therein named to be taken, in a matter now pending before the House of Representatives of the United States upon the

memorial of certain members of the legislature of Rhode Island, and as a justice of the peace throughout the Commonwealth, having first taken the oath required by said commission, before the Hon. Pliny Merrick, one of the associate justices of the court of common pleas, which oath is appended to said commission, I caused Olney Ballou, esq., of Cumberland, Rhode Island, and also his excellency James Fenner, esq., as the executive of the State of Rhode Island, to be duly and seasonably notified of the times and places of holding the examination required by said commission; which several notices, with the returns of service thereon, are hereunto appended; and at such times and places, and by adjournment from day to day, I proceeded to take the examination and depositions of the several persons whose names are inserted in said commission, having first appointed Robert Sherman, esq., a deputy sheriff for the county of Bristol, as officer in attendance upon the commission sitting in Pawtucket, and caused proclamation to be made that all persons duly authorized by the executive of the State of Rhode Island, or by the memorialists, would be heard and allowed to put interrogatories. Olney Ballou, esq., one of the memorialists, was present on the two first days of the examination; and Benjamin Cowell, esq., counsel for the memorialists, was present on each day of said examination at Pawtucket. No person authorized by the executive of the State of Rhode Island was present. Previous to the taking of each deposition, the respective witnesses were duly cautioned and sworn to testify the truth, and nothing but the truth, touching the subject matter of the examination, as will appear from the jurat affixed to each deposition, which, with the exception of the depositions of Samuel Low and Walter R. Danforth, were reduced to writing by me, in the presence of the respective deponents; and the same are herewith transmitted (comprising the depositions of forty-five deponents) to the "Hon. Edmund Burke, chairman of the select committee appointed by the United States House of Representatives, on the memorial of certain members of the legislature of Rhode Island." And I further certify that the memorialists suggested and proposed the examination of other witnesses, whose depositions there was not time to take during the sittings; but the commissioner did not feel at liberty to extend the inquiry, and thereby delay his report.

BENJAMIN F. HALLETT,  
*Commissioner, &c.*

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No. 22 b.

HOUSE OF REPRESENTATIVES OF THE U. S.,  
*Washington, April 4, 1844.*

TO BENJAMIN F. HALLETT, Esq.,  
*of Boston, in the county of Suffolk,*  
*and Commonwealth of Massachusetts.*

The select committee, appointed by the House of Representatives on the memorial of certain members of the legislature of Rhode Island, have directed me to authorize and empower you to make inquiry into the following matters, touching said memorial; and for that purpose you are requested to cause to be summoned before you, for examination, under oath or affirmation, the witnesses hereinafter named, viz:



*First.* You will proceed to make inquiry into the fact of the personal participation of John T. Pitman, clerk of the United States district court for the district of Rhode Island, in the suppression of the people's constitution; for which purpose you will summon and examine the following persons, viz :

Joseph Holbrook and William Mitchell, of Boston.

*Second.* You will make inquiries into alleged aggravated cases of violence to the persons and property of the suffrage citizens of Rhode Island, or to the citizens of Massachusetts; for this purpose you will summon and examine the following persons, viz :

Widow Sarah Kelby, Draper Carpenter, M. D., Ellis B. Pitcher, William Sullaway, Robert Abell, Freeman Berry, Samuel W. Miller, Joseph Fletcher, David F. Cutting, Thomas V. Medbery, Asa E. Carpenter, Larned Scott, Samuel Low, William J. Miller, Walter R. Danforth, Aaron Simons, Leonard Wakefield, Eliab Whipple, Henry Lord, Mehitable Howard, Nathaniel Knight, Ann Maria Buffington, Elizabeth Nutter, Otis Holmes, Walter S. Burges, George S. Reed, Thomas Reid, Peter Norton, Albion N. Olney, Simeon Sherman, jr., Abel Oaks, William Coleman, Stephen G. Coleman, William Haswell, Thomas Greene, Isaiah Barney, Lyman A. Taft, Ariel Ballou, John S. Dispean, Harney Chaffee, Wm. C. Thayer, Amos Ide, and John L. Johnson.

Before commencing the inquiries and examination which you are herein authorized and directed to make, you will qualify yourself by oath, or affirmation, to the faithful discharge of the duties here assigned to you, before some competent magistrate of the Commonwealth of Massachusetts. You will then give due notice to Olney Ballou, esq., of Cumberland, in the State of Rhode Island, one of the signers of the memorial above mentioned, and also to the executive of the State of Rhode Island, of the times and places when and where such inquiry and examination will be had. And you will also permit to be present at said inquiry and examination any person duly authorized by the respective parties to appear as counsel, and will permit such persons so appearing as counsel to be heard on all questions arising in said examination, and to put to the witnesses in writing all pertinent and proper interrogatories.

It is desired that you proceed with all convenient despatch in the execution of this commission, which, when completed, you will forthwith return to me, with your doings thereon.

EDMUND BURKE,

*Chairman of the select committee appointed by the  
United States House of Representatives, on the memorial  
of certain members of the Legislature of Rhode Island.*

COMMONWEALTH OF MASSACHUSETTS, }  
County of Suffolk, } ss :

On this 1st day of May, in the year of our Lord one thousand eight hundred and forty-four, personally appeared Benjamin F. Hallett, and made oath that he would faithfully discharge the duties assigned to and devolving on him, by and under the foregoing commission. Before me,

PLINY MERRICK,

*Judge of the Court of Common Pleas.*

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss :*

BOSTON, *April 26, 1844.*

SIR: You will please take notice, that, by virtue of a commission from a select committee of the House of Representatives of the United States, to take depositions concerning alleged aggravated cases of violence to the persons and property of the suffrage citizens of Rhode Island, or to the citizens of Massachusetts, in relation to matters of inquiry now before said committee, I shall be present for that purpose at the inn of Robert Abell, in Pawtucket, on Thursday, the 2d day of May, at 10 o'clock, a. m., and at my office, No. 20 Court street, in Boston, on Saturday, the 4th day of said May, at 10 o'clock, a. m.; at which places you are notified to be present, if you shall see fit, by yourself or counsel.

Respectfully,

B. F. HALLETT, *Commissioner, &c.*

TO OLNEY BALLOU, Esq.,

*Cumberland, R. I.*

PROVIDENCE, *April 27, 1844.*

I made service of the within notice, by leaving with the within-named Olney Ballou a true and certified copy hereof.

BURRINGTON ANTHONY.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss :*

BOSTON, *April 26, 1844.*

Whereas a select committee of the House of Representatives of the United States, now sitting at Washington, in the District of Columbia, upon the memorial of Olney Ballou and others, members of the legislature of Rhode Island, have requested and authorized me to take the depositions of sundry persons, to be used in the investigation now pending before said committee, and have directed me "to give due notice to the executive of the State of Rhode Island of the times and places when and where such examination will be had, and to permit to be present any person duly authorized to appear as counsel, and to be heard on all questions arising in said examination, and to put to the witnesses in writing all pertinent and proper interrogatories,"—you will please take notice that, in pursuance thereof, I shall be present at the inn of Robert Abell, in Pawtucket, on Thursday, the 2d day of May next, at 10 o'clock in the forenoon; and at my office, No. 20 Court street, in Boston, on Saturday, the 4th day of said May; at which times and places such person or persons as may be authorized by you to appear as counsel, will be heard, and may put such interrogatories as they may think fit.

[L. s.] Given under my hand and seal, the date and place aforesaid.

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

To his Excellency JAMES FENNER, Esq.

PROVIDENCE, (R. I.,)

*April 27, 1844, half-past 6 o'clock, p. m.*

I made service of the within notice to James Fenner, by leaving a true and attested copy hereof, at the usual place of his abode.

BURRINGTON ANTHONY.

## DEPOSITIONS TAKEN BY BENJAMIN F. HALLETT, ESQ.

I.—*Depositions relating to transactions in Pawtucket, the outrages of the charter troops, and the homicide of Alexander Kelby.*

No. 23.

*Deposition of Draper Carpenter.*

I, Draper Carpenter, of Pawtucket, in the State of Massachusetts, physician, fifty years of age and upwards, depose and say: That on the day on which Alexander Kelby was shot, I was in Pawtucket, on the Massachusetts side. In the evening there were a number of discharges of muskets from the bridge, which is the dividing line between Massachusetts and Rhode Island. The firing appeared to be in volleys. There were troops stationed on the bridge, said to be the Kentish Guards—Rhode Island troops. I did not see a suffrage man in arms that day or evening; and I have no doubt these troops were the Rhode Island charter troops. Soon after the firing commenced, a woman was brought into my office, supposed to be wounded; but it appeared that she had fainted from fright. At that time the firing ceased, but soon after commenced again, after an interval of about ten or fifteen minutes. Soon after the firing began the second time, a man came into my office, slightly wounded in the knee from a musket shot; but it was a slight wound, and I did not dress it. I did not know the person, and cannot name him; I was standing at the front window of my office, with a view to see or hear what was transpiring at the bridge. The distance from the bridge was about twenty rods, on Main street, leading from the bridge. While standing in this position, a musket ball passed through two panes of glass in the two sashes forming the show window of the shop, passing near my head, and lodging in the shelf, which it penetrated about four inches from the edge where it entered. [The witness produces the ball, which he says he took from its lodgment, and it appears to be a musket ball of the size used for United States muskets, and not a rifle ball.] A few minutes after this, I was called on to go and see a man, Alexander Kelby, who was reported to have been shot. I directed them to bring him directly to the office, as it was no place for an examination there. They went away for that purpose; but immediately information came that he was dead. I was well acquainted with Alexander Kelby, and had generally been his family physician. He had a wife and five or six children, and had resided in Pawtucket, on the Massachusetts side, for some nine or ten years. He worked in the factory, and was rather an intellectual man, and read a great deal. I often loaned him books. He was a man of good character, and always peaceable and inoffensive. Other buildings, not in the direction of my office, on another street leading from the bridge, were fired into, as appears from the marks of the balls lodged therein, or having bounded from the brick walls. The bridge is the most central part of the village, and the two streets leading from it the most populous on this side.

DRAPER CARPENTER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss.*PAWTUCKET, *May 2, 1844.*

Then the said Draper Carpenter, being duly cautioned and sworn, made



and subscribed the foregoing, reduced to writing in his presence, by and before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 24.

*Deposition of Samuel W. Miller.*

PAWTUCKET, NORTH PROVIDENCE, R. I., April 10, 1844.

I, Samuel W. Miller, a resident of North Providence, R. I., near the Massachusetts line, now lying on a sick bed, and my life in a precarious state, make the following statement:—On Monday evening, June 27th, 1842, about dusk, I crossed over the bridge from the Rhode Island to the Massachusetts side, at Pawtucket, there being a guard of armed men stationed on the bridge at that time; I went up to Mr. R. Abell's hotel, and remained there until about 8½ o'clock, p. m., when a person came in and stated that a woman had been killed on the bridge. I had previously heard discharges of musketry, but, supposing them to be blank cartridges, did not take any notice of them. I immediately started for the bridge, to learn if the report was correct; and had proceeded as far as the corner of Mr. William Sweet's shop, within eighteen yards of the soldiers on the bridge, when I was accosted by Mr. Alexander Kelby, who put out his hand and asked when I was going down the river. At that moment I saw two of the soldiers on the bridge taking deliberate aim at us, and heard Nehemiah Potter, of Pawtucket, then in command of the soldiers, and whom I knew well, give the order to fire. I know that he was the person who gave the order to fire. I grasped Kelby's hand to pull him one side; but before I could succeed, one of the guns went off, and he fell dead at my feet; the other missed fire, which probably saved my own life. I left Kelby on the ground, and hurried back to Abell's hotel—the soldiers continuing to fire—the effects of which may be seen in a number of ball holes on the buildings in the vicinity of the bridge on the Massachusetts side. About eleven o'clock, p. m., I started, in company with Mr. John Campbell, to return to my home, on the Rhode Island side. When we had got about half-way over the bridge, we were both stopped by the guard, eight or nine in number, who presented their bayonets to our breasts, and commanded us to halt, and demanded our names. We gave our names, and Mr. Potter, the commander, alluding to me, said—"We have got the fellow now that we want." This was the same Mr. Potter who had given the order to fire. He then ordered four of the guard to take me in custody, who conveyed me to the hotel on the Rhode Island side, which was occupied at that time as a guard-house by the charter troops. I remained there about one hour, when, through the intervention of Thomas Lefaver and Robert Wilcox, law and order men, I was released, and Mr. Wilcox appointed a guard to wait on me home. I know of no reason why I was pursued with such deadly hostility, (as I was to work in my shop all that day, and had not participated in any hostile movements against the charter troops,) other than that I was a democrat, and an ardent friend of the suffrage cause. The next morning,

(28th,) I went to my shop, and worked until noon, when I returned to my home, ate dinner, and changed my clothes to attend the funeral of Kelby. I returned to my shop, and remained there until about three o'clock, (the hour of the funeral,) when I locked up my shop, took the key with me, and went to the funeral. I followed the remains of Kelby to the grave, and, when returning in the procession, was stopped by a friend, who advised me not to go over into Rhode Island, as my shop had been broken open by the charter troops, who threatened that they would have me, dead or alive. I did not attempt to return into Rhode Island that afternoon, but the same evening went to Rehoboth, Mass., where I remained two days. On Friday evening following, I returned to my home in Pawtucket, and learned from my wife that my house had also been visited and searched by a gang of charter troops, who carried off a valuable rifle, powder horn, flask, &c., belonging to me. The next morning, when I went into my shop, I found the contents piled in a heap in the middle of the floor, and that it had been completely ransacked, and everything overhauled. A musket, cartridge box, belts, &c., were taken by the troops who broke into it, which, together with the articles taken from my house, have never been returned to me. Kelby, at the time he was shot, was doing nothing to assail or provoke the soldiers, nor had I seen him do anything. I had just shook hands with him when the gun fired. We often went down the river fishing and clamming, and Kelby and I had thought of going about that time. I never knew nor saw Kelby take any part in the suffrage cause. I saw no persons assailing or insulting the soldiers when Kelby was killed, and knew no reason why they should have fixed on us.

SAMUEL W. MILLER.

Signed in presence of—

WM. J. MILLER.

BURRINGTON ANTHONY.

NORTH PROVIDENCE, R. I., *May 9, 1844.*

Then, in the presence of the within named Samuel W. Miller, who is feeble in body, but clear in mind, and of sound understanding, and after cautioning him as to the importance of stating the truth and the whole truth, as in the expectation of never recovering from his present sickness, I carefully read to him the foregoing statement, and made the corrections therein at his request, which are interlined, and appended after his signature. And the said Miller now solemnly declares that the foregoing facts are correct and true in all respects, and such as he would testify to if under oath, and which he declares with the same solemnity as if under oath, and that his signature is to have the same effect as if it were now made in my presence. The reason of not administering the oath to the said Miller is, that his residence is over the Massachusetts line in Rhode Island, and he could not, without danger to life, be removed within my jurisdiction.

B. F. HALLETT, *Commissioner.*

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No. 25.

*Deposition of Freeman Berry.*

I, Freeman Berry, of Pawtucket, in the State of Massachusetts, mariner,

thirty-six years of age, depose and say: That on the 27th day of June, 1842, about half-past five in the afternoon, in said Pawtucket, I heard music, and with a number of persons, men, women, and children, with which the streets were full, went over the bridge, to the Rhode Island side, to see the soldiers. They came into Pawtucket, and halted at the hotel on the Rhode Island side. They stopped a few minutes, and all but twenty-four of them went into the hotel. The others marched down within three rods of the bridge, and halted with their guns to the shoulder. Everything was quiet at that time. There was then some hallooing from persons near the bridge, on the Rhode Island side, and some hissing. I saw no stone or any missile thrown during the whole time the soldiers were here. The soldiers were then ordered to close and level their muskets, which they did. One man went up, and took off a bayonet from one of the guns. He took hold of the gun, and turned the bayonet off; the man appeared to be intoxicated. When the bayonet was taken off, I heard the word given, "fire," and saw one man cock his gun. The bridge, directly in front of the soldiers, was then filled with men, women, and children—more women and children than men. When the word was given to fire, the crowd were rushing to get off the bridge from the soldiers. No person was advancing toward the soldiers, and no one had interfered with them, except this man. I was standing near the soldier who had cocked his gun, and I said to Nehemiah A. Potter, who appeared to have the command of the soldiers, "for God's sake, don't fire; don't you see the men, women, and children?" He told me to mind my own business. I then put my hand under the gun which I had seen the man cock, and raised it up, and said to him "don't fire." They did not fire. The crowd came over the bridge, and the soldiers took their position on the bridge, about the middle, and from there well on the Massachusetts line. After that, things appeared to be quiet. The first firing was at a carriage of Mr. Robert Abell's, which went over the bridge, as I understood; I heard the reports of several muskets. I was then at my sister's house, near the bridge, and at her request went out to see where my brother Ebenezer was. I went down to Sweet's store, and found my brother standing in the door of the barber's shop, which is the corner building on the east side of the bridge, on the Massachusetts side; Samuel W. Miller stood leaning against the barber's shop, by the pole, which is at the corner; Alexander Kelby stood nearly opposite Miller, further in, on the sidewalk; he was facing north, not toward the bridge, but facing the building; he was standing quiet, doing nothing. There were not many people out then; at that time I could see all that was passing in front of the bridge. There were no signs of any mob or violence at that time, or any attacks upon the soldiers, nor any hissing or insult. It was more quiet then, than it had been any time since the soldiers had come out. I stopped and stood in Sweet's doorway, (the door being closed,) and began to speak to my brother, who was there. At that instant two guns went off in quick succession, and I saw Kelby fall; he settled on his knees, and fell his head towards the east, face downwards; he fell within four feet of where I stood. I stepped out, and put my hand under his head, and held him so till a lantern came, and then rolled him over, and found he was dead, and I left him. There was no more firing after that; I saw no persons retreating from the soldiers, or pressing upon them, nor could I discover any reason



or cause for firing upon Kelby. In my opinion, the men who fired upon Kelby must have been in Massachusetts, to have hit him where he stood.

FREEMAN BERRY.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 3, 1844.*

Then said Freeman Berry, being duly cautioned and sworn, made and subscribed the foregoing, which was reduced to writing in his presence by me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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PAWTUCKET, *May 11, 1844.*

And now the said Freeman Berry, in addition to the foregoing, appears and testifies as follows: I was before the grand jury at Taunton, in September, 1842, in relation to the homicide of Alexander Kelby. I testified substantially to what I have above stated about Kelby. The statement of Joseph Fletcher, in his deposition, as to what took place in regard to the inquiry at Taunton, is correct. I thought there was no disposition whatever to investigate the matter. There was no coroner's inquest held over the body of Alexander Kelby. I attended his funeral; the procession passed the bridge, on the Massachusetts side, to the grave; and, when returning, the cannon at the other end of the bridge were manned and pointed, with matches lighted. There was not the slightest indication of interference with the soldiers.

FREEMAN BERRY.

Sworn to before me,

B. F. HALLETT, *Commissioner, &c.*

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No. 26.

*Deposition of Joseph Fletcher.*

I, Joseph Fletcher, of Pawtucket, in the State of Massachusetts, dresser tender, thirty nine years of age, depose and say: I knew Alexander Kelby well; worked with him five years. He was a man of good moral character, and of very peaceable deportment; I never knew him in any broil or difficulty, or the means of violating any law. He was an industrious man, and kind to his family. I was working with him at the time of his death. The last time I saw him alive was about six o'clock on the afternoon of June 27th, 1842—the day he was shot; he was in the street, on the Rhode Island side of the bridge. This was when the troops first came out from Providence, and before any guard was on the bridge. I stopped near Kelby for ten or fifteen minutes, and could see what he did; he had nothing in his hands, and was engaged in no trouble; nor did I hear him talk disrespectful of any one, nor in any way insult the soldiers. He did not

seem to act as if he took much interest in what was going on—appeared more as an idle spectator. He did not appear excited at the time. Occasionally I had known him under the influence of liquor; he might have been then, but did not act so. When I had seen him in liquor, I never knew him to be quarrelsome. I did not see Kelby again that night. About eight o'clock in the evening, there were guns fired by the guards, and it was rumored that a woman was shot. I saw no stones thrown, and no insults to the soldiers. Many people talked freely. There was considerable excitement on account of the soldiers coming into the village; there was supposed to be no occasion for it. There was no indication of any attempt to form bodies of men to go into Rhode Island, or to interfere in the contest; I saw no gathering, and no arms for any such purpose. There was a company of citizen guards in the village on the Rhode Island side; their presence caused no irritation, and there was no gathering nor excitement till the Kentish Guards made their appearance from Providence. A wagon with muskets drove up to the hotel on the Rhode Island side. The people gathered around, and there was some hooting and hissing at the soldiers. There was nothing of this kind before they came. I saw one young man flourish a club, but no missile was thrown, and no appearance of an attack. The excitement was on account of the guards making their appearance; this subsided, and the people gradually dispersed. About eight o'clock it was rumored that a woman was shot: there was firing, and it turned out a woman had fainted on the bridge from fright. This caused some excitement, and a collection came together. There was some call for guns, but I saw no arms or offensive weapons anywhere, except what the soldiers had. When it was found that the woman was not shot, the matter seemed to subside. I passed over the bridge a quarter past nine o'clock, to bring home my two daughters, who were on the Rhode Island side. They had gone over to get a dress made, about seven o'clock, and, I afterwards learned, had attempted to return, and were stopped by the guards from crossing the bridge, and obliged to go back. I accordingly went over after them, and, giving my name, was allowed to pass, and returned with my daughters in about ten minutes; the clock had struck nine while I was on the Massachusetts side, and before I went for my daughters. After I heard the clock strike nine, I went home, and there learned that my daughters had not got back, and then went after them. I think it must have been all of half past nine when I came back over the bridge with my daughters. I then saw no commotion or disturbance. The soldiers were on the Rhode Island side, close to the bridge; none on the bridge; on the Massachusetts side a few people were standing with umbrellas; it rained a little; some were standing near the barber's shop, at the corner, where Kelby was shot. It was all quiet. I went home, (a distance of about forty-five rods from the bridge,) and a few minutes after getting into the house, heard firing. Immediately after this, Isaac Baxter came in and told me Kelby was shot; he told me he stood within six feet of Kelby when he fell. I asked him if Kelby threw any stones, or did anything, and he said no. He said he saw him stop boys twice. Baxter has since moved away; I do not know where he is. There are no other occurrences of that evening to which I can testify.

The next day after Kelby was shot, a meeting of citizens was held, and a committee raised to collect subscriptions for Mr. Kelby's family. At the request of Mr. Elias B. Pitcher, (the chairman,) I took his paper to get sub-

scriptions. I called on Samuel Greene, who resides on the Rhode Island side, to subscribe. I read part of the paper, and he the rest. It stated that the subscription was for Mrs. Kelby, whose husband had been shot. When he finished reading, Mr. Greene said, "I don't know but I shot the man;" he couldn't tell; he did not know as he should like to know if he had. However, he had done nothing but he would do again, when called upon to defend the laws of the State. He said he was there, and fired. Mr. Daniel Greene then came in, and there was a conversation about the occurrences of the evening when Kelby was shot. Mr. Samuel Greene said he went on the south side of the bridge, on the foot passage, and he rested his gun on the railing, and aimed for the legs. Daniel Greene said that it was singular the balls went in such different directions. Samuel Greene replied "they (referring to the Kentish Guards) not knowing the location, did not know where to fire; we, knowing it, knew where to fire." The "*we*" I supposed referred to the citizens' guard, of which Mr. Greene was one. Daniel Greene said they must have had pretty smart powder. He replied that it was as good as No. 1. Mr. S. Greene gave five dollars on the subscription.

I was before the grand jury at Taunton, Bristol county, in September, 1842, and, to the best of my recollection, stated substantially the above facts as to the conversation with Mr. Greene. I was subpœnaed in relation to the homicide of Kelby. Freeman Berry, Samuel W. Miller, and Asa E. Carpenter were also subpœnaed, and were there and testified. The inquiry did not appear to be at all pressed before the grand jury; the witnesses were at Taunton all day, and in the court house. It was the last case called in the evening. When the witnesses were called, it was just before candle-light, and no lights were brought. There was no other examination of the case that night, and another case was taken up the next morning, as I understood. The foreman of the grand jury was Ira D. Ellis of Pawtucket; he was opposed to the suffrage party.

JOSEPH FLETCHER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss.*

PAWTUCKET, *May 10, 1844.*

Personally appeared Joseph Fletcher and made oath to and subscribed the foregoing, which was reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, &c.*

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No. 27.

*Deposition of Thomas V. Medbery.*

I, Thomas V. Medbery, of Seekonk, in the State of Massachusetts, thirty years of age, carpenter, depose and say: On the 27th of June, 1842, I was working on the Rhode Island side of Pawtucket bridge, and boarded on the Massachusetts side. I went to supper just before dark, and was stopped by one of the soldiers, who were then close to the bridge on the Rhode



Island side; there appeared to be thirty or forty. Mr. Sherman vouched for me to the officer, and I was allowed to pass. After supper, I passed back again; there were then two soldiers stationed on each of the sidewalks; it was then about dark, or nearly so. There were a number of people in the streets on both sides, but I saw none armed except the soldiers, and no violence. I then went up to Central Falls, and on my return I heard a number of guns fired—I cannot tell how many; this was the last time they fired, as I heard no firing afterward. I was some twelve rods from the bridge when I heard the firing, and came directly on the bridge, and was stopped by two soldiers, and, on my explaining, they let me pass; there were only four soldiers on the bridge, the rest were either in the hotel or on the Rhode Island side. I met some soldiers before I came to the bridge, but saw none after I passed the few that were on the bridge; they told me nothing about any one's being shot, nor did I know it at the time. I walked on across the bridge, and when I turned the corner at the left, on the Massachusetts side, round the barber's shop, I came upon a body, which proved to be that of Alexander Kelby. The body lay with the head towards the east, and nearly opposite the door of the barber's shop, within about a foot of the building. No person was there when I came up, nor do I know that the body had been moved. Standing where the body lay, it would not, I think, have been possible for a person to have shot him, standing on the bridge, unless the ball passed through the building, which was not the case. I took hold of him, and found he was dead, and then went across the street to Mr. Crane's store, to get a light. Mr. Sherman and three or four other persons then came up, and myself, Ebenezer Berry, Robert Sherman, and one other person, carried him to his home on the Massachusetts side. I assisted in laying out the corpse. There was a gunshot wound, the ball having entered on one side nearly under the arm, just below the pap, and came out on the other side opposite, a little lower down. When I found him, one of his hands was in the pocket of his pantaloons, and it did not appear to have been moved after he fell. There was blood on the sidewalk where he lay when I first found him, and there was no blood any nearer the bridge. The bridge was not then planked so far on the Massachusetts side as it is now. There has been a new bridge built since. If Kelby fell on the spot where I found him, he could not have been shot unless the person who fired came on the land from the bridge, on the Massachusetts side. Before we carried the body home, it was removed from the spot where I found it, under the piazza, ten or twelve feet further from the bridge.

THOMAS V. MEDBERY.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss* :

PAWTUCKET, *May 2, 1844.*

Then said Thomas V. Medbery, being duly cautioned and sworn, made and subscribed the foregoing, which was reduced to writing in his presence by me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

*Deposition of William R. Sullaway.*

I, William R. Sullaway, of Pawtucket, in the State of Massachusetts, hostler, twenty one years of age, depose and say : On the night that Alexander Kelby was shot, I went over the bridge to the Rhode Island side, for a lumber wagon which belonged to our stable ; this was about sunset. When I came back, I found the Rhode Island charter troops stationed near the bridge on the Rhode Island side. A part of the company had gone into the hotel. They questioned me, but allowed me to pass. There were a number of persons on the Massachusetts side of the bridge, but no arms, and no appearance of any hostility. I went to the stable, and, in about ten minutes after this, heard firing from the other side of the bridge. I then went to the bridge, and met several persons bringing a woman along, who, it was said, had been shot ; she appeared to be lifeless. She was taken to Doctor Carpenter's shop ; I did not go in, the door being shut, but afterwards understood that the woman had fainted from fright. It was then after dusk. I went back to the stable, which was thirty to thirty five rods from the bridge, and heard the firing commence again. Thinking they were firing blank cartridges, I went down near the bridge, at the corner of the brick block that the bank is in. The firing came from the troops who were then on the bridge, and either on the Massachusetts side or very near it. They continued firing singly and in volleys, and while standing, I felt a concussion below the knee, and found a piece cut from my pantaloons, which I have no doubt was by a musket ball. I then ran off, and could hear the balls striking the brick block all around me as I went off. There were a number of tenements occupied in the upper stories of the brick block. A number of bullets struck the building near which I stood, and some lodged in the wood and signs. While I was starting off, after I felt the concussion of the bullet, I heard some one down towards the bridge exclaim that a man was shot, and soon after I learned that Alexander Kelby was shot. During this time there were a number of persons on the Massachusetts side. The firing over the other side of the bridge, in the first part of the evening, had caused considerable excitement on the Massachusetts side, and drew people out into the streets on that side. I saw no person armed on this side, and no violence ; and they appeared to be there from the same motive I was, viz : curiosity to see what was going on. I knew Alexander Kelby ; he was always a peaceable and well behaved man, and a good citizen. I saw the body of Mr. Kelby after he was shot ; a ball had struck him in the side, and come out at the other side.

WILLIAM R. SULLAWAY.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 2, 1844.*

Then said William R. Sullaway, being duly cautioned and sworn, made and subscribed the foregoing, which was reduced to writing in his presence by me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

No. 29.

*Deposition of Asa E. Carpenter.*

I, Asa E. Carpenter, of Pawtucket, Massachusetts, twenty nine years of age, depose and say: That the morning after Alexander Kelby was shot, near the bridge in Pawtucket, I heard Samuel Greene, who is a druggist on the Rhode Island side of the bridge, in conversation with another person, to whom he related what had taken place the night before, say—that he went on to the bridge, so that he could aim by the corner up street; he thought there might be some out by the piazza—Abell's piazza, I think he said—and that he took aim, and snapped his gun three times; he did not say whether he fired or not. The street he referred to was one on the Massachusetts side, which passed Mr. Abell's hotel. The corner he spoke of was the place where Kelby was shot. I was before the grand jury at Taunton, in September, 1842, as a witness, but was not questioned as to the above, and did not state it. I was in the grand jury room but a few minutes, towards evening, and was dismissed. I do not know the person to whom said Greene stated the above.

ASA E. CARPENTER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*PAWTUCKET, *May 11, 1844.*

Personally appeared the above named Asa E. Carpenter, and made oath to and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

No. 30.

*Deposition of David F. Cutting.*

I, David F. Cutting, forty one years of age, blacksmith, depose and say: That on the 27th of June, 1842, I resided in Pawtucket, on the Massachusetts side, near the bridge. I was working till about 8 o'clock that evening, then went home; soon after this, the firing began. My house was in range from the bridge, about eight rods distant, and I did not think it safe to remain. I took my family, and went to a neighbor's house. After that, I was told there was no danger; and I then went out to make inquiry, with a view to go back to my house. I made inquiries at Higginson's and Crane's stores, near the bridge, and was returning back from Crane's shop, when I was hit by a ball in the arm. Three guns were fired; I was hit by the third. When hit, I was opposite the window of Ira B. Ellis's hat store, in the block where the bank is, about five rods from the bridge. There was then very little stirring in the street. No appearance of a mob or commotion or disturbance of any kind. The firing came from the bridge. I saw no people between me and the soldiers on the bridge. It was raining. I did not see over three people in the street. I should think this was about a quarter



to 9 o'clock. I could tell no reason or cause for the firing. I got back to where I left my family, and did not go out again that night. In the morning, I found that two balls had been shot into the side of my house, near the upper windows.

DAVID F. CUTTING.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss.*

PAWTUCKET, May 11, 1844.

Personally appeared the above named David F. Cutting, and made oath to and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 31.

*Deposition of Robert Abell.*

I, Robert Abell, of Pawtucket, in the State of Massachusetts, innholder, testify and say: That I reside within a few rods of the bridge, in Pawtucket, on the Massachusetts side. On the evening of the 27th of June, 1842, I had occasion to go over the bridge to carry Colonel Scott to his residence in North Providence. I had heard that there was a guard on the bridge, and expected to be stopped; but, relying on being well known, I did not anticipate any difficulty. As we drove over the bridge, I found no soldiers on the bridge; there were a number of people about, but no indication of any violence. We drove over the bridge, about a hundred feet from the end on the Rhode Island side, where a road turns off to the right. I held up my horse. A file of soldiers were drawn up with bayonets charged, and one of them, (who was Horatio N. Ingraham, as I learned the next day,) took the horse by the head, and told me, as I understood, to go that way, which was to take the road to the right, which would leave the guard on the left. I accordingly did so, and drove on. Just after Mr. Ingraham let go the horse, a gun fired, and soon after three more in quick succession; and when we had got about a hundred feet farther, four more guns were discharged. Not knowing of any possible reason for it, I did not suspect they were firing at us. I carried Col. Scott home, and returned over another bridge a mile above. I found a guard there, but had no difficulty in passing. When I passed the Pawtucket bridge, I heard no order to stop, and only heard Mr. Ingraham's direction to pass the other way, which I complied with; and in no way interfered with the guard. We were in a covered wagon. A ball had passed through the side of the wagon, and out at the fore end; it must have passed between me and Col. Scott. The next day Mr. Ingraham saw me, and stated that he did direct me to pass the way I went, to prevent any difficulty in passing the guard, and he stated that he neither gave nor heard any order for me to stop. When I was returning home, I heard the bells ringing for nine; and shortly after I got to my house, I learned that a man had been shot, which proved to be Alexander Kelby. The same night, between

twelve and one o'clock, John Whipple, esq., of Providence, came to my house, and made inquiry of me whether I had any guns or arms in my hall. I told him I knew of none. He then told me that Dorr had left Chepachet, and the war was all over, and wished me to inform everybody to go to their respective homes, and that it was all over. It became known in the house that this was Mr. Whipple, and, to prevent any difficulty, I went with him to see him safe out. When I got to the door, two men armed with muskets stood there, and accompanied him over the bridge, as a guard. They appeared to have come over with him. A man of the name of Sherman, who was one of the guard that night on the bridge, and afterwards boarded with me, told me that the object of the visit that night at my house was to see if I had arms stored in the house, and how it was guarded. They did not attempt any search. I had no arms, and saw none except what the soldiers had, and allowed none in my house.

ROBERT ABELL.

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No. 32.

*Deposition of Larned Scott.*

I, Larned Scott, of North Providence, in the State of Rhode Island, testify that I was the person with Mr. Robert Abell in the wagon, as is described in his deposition, which has been read to me; and that all the facts therein stated, in relation to going over the bridge and being fired on, are true. The other matters stated by Mr. Abell are not within my knowledge.

LARNED SCOTT.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss.*

PAWTUCKET, *May 11, 1844.*

Personally appeared the above-named Robert Abell and Larned Scott, and severally made oath to, and subscribed the foregoing, reduced to writing by me in their presence. Before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 33.

*Deposition of Amos Ide.*

I, Amos Ide, of North Providence, State of Rhode Island, testify and say: That I was arrested at Pawtucket on the 29th of June, 1842, by Captain James N. Olney, who commanded the company of carbiniers, who were stationed at Pawtucket at that time. I was arrested at the same time with John S. Dispean. Captain Olney was from New York, and not a citizen of Rhode Island. A guard of four men was placed over us, two of whom said they were from New York, and did not belong here; and another (Wil-

liam Reed) I knew to be a Massachusetts man, and had known him for a long time. I was detained but about two hours, and discharged. I know of no reason for my arrest. Before the company came out from Providence, everything was quiet in the village, and no difficulty whatever would have occurred had it not been for their presence.

AMOS IDE.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss.*

PAWTUCKET, *May 10, 1844.*

Personally appeared the above-named Amos Ide, and made oath to, and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 34.

*Deposition of John S. Dispean.*

I, John S. Dispean, of North Providence, Rhode Island, forty two years of age, testify and say: That I was taken by the charter troops in Pawtucket at the same time Amos Ide was, and knew the same facts he has stated, as to persons not citizens of Rhode Island who were in the charter troops. I knew that Captain Olney, who commanded the carbiniers, was a New Yorker. In addition to what said Ide has stated, I was sent to Providence, under guard of two other men of the company, both of whom stated to me they were New Yorkers, and one of them said he was a master of a vessel, and belonged to New York.

I have heard read the depositions of Robert Abell and Larned Scott. I was standing within twenty feet of the guard of soldiers, on the Rhode Island side, when said Abell drove over the bridge in a covered wagon. The soldiers charged bayonet as he came up; and Horatio N. Ingraham, whom I knew, stepped up as Mr. Abell stopped his horse, and appeared to direct him to take the other road; which he did, and drove on. As he started, one gun was fired; the platoon was ordered to wheel and fire, which they did in irregular order. Two guns were also fired out of a window of the brick hotel, which was the headquarters, as the wagon passed. The firing was obviously at the wagon, as there was nothing else to fire upon. I supposed at the time that the persons in the wagon were killed by the discharges. There was nothing in the state of affairs at Pawtucket to justify or require the presence of troops; and they caused all the difficulty by their presence and conduct.

I kept a confectioner's shop under the brick hotel, where the headquarters of the troops were; and when I was taken off, left one hundred dozen of eggs and other articles in the cellar. The soldiers took possession, and excluded my wife and the boy who attended from the cellar; and when the guard left, the eggs had been used, as I was informed by my wife, and believe. Other articles were taken from the cellar, and no recompense was ever made.

JOHN S. DISPEAN.



COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*PAWTUCKET, *May 11, 1844.*

Then said John S. Dispeau, being duly cautioned and sworn, made and subscribed the foregoing, which was reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 35.*Deposition of Sarah Kelby.*

I, Sarah Kelby, of Pawtucket, in the State of Massachusetts, widow, testify and say: That I am the widow of Alexander Kelby, late of said Pawtucket, where he had been a resident eight or nine years. He was a dresser-tender, and worked in a factory on the Massachusetts side of the river. At the time of his death, he was forty-one years of age; and we had seven children, all of whom are living. I now have eight children, one having been born in about five weeks after my husband's death. Five of my children are under ten years of age. My husband was a peaceable man, and I never knew him to be in any broil or difficulty. On the day he was shot, he was at home all the afternoon till after 5 o'clock. About that time a woman came in and said that the guard were coming on the bridge. He said he would go down and see, and went out. About 7, when the mills were let out, he came back and ate supper. After supper, my oldest boy, James, wanted to go to the bridge, and his father told him to be careful and do nothing; and if there was any difficulty, to come home. Soon after this, Mr. Kelby said he would go down and see, and went out. He came home again about eight, and asked if James had got home, which he had not. My husband then sat down and smoked; and, when he had got through, said he would go and see where James was, and send him home; he did not want him to be out. I told him I was afraid they would fire and kill somebody. He said there was no danger, and I need not be frightened; that if they fired, it would only be blank cartridges. He then went out; it was a quarter past eight. My son James came home soon after, and went to bed by 9 o'clock. Between nine and ten James Cameron came to the house, and told me that my husband was standing by the barber's shop, and that he had been fired upon and shot, and was dead. About 10 o'clock the body was brought to the house.

When Mr. Cameron informed me of my husband's death, he said he thought the body would have to lie till morning, till they could get an inquest. No inquest was ever held on the body, to my knowledge. After he was brought home, the body was laid out, and buried the next day but one after. While my husband lived, he supported his family well, and was never in debt. His death left me in destitute circumstances. Mr. Thayer, Mr. Pitcher, and some other gentlemen, for whom he had worked, got a contribution, and raised a hundred and twenty dollars, which was given me. I also had seventy-one dollars sent me from Boston, and fifteen from the suffrage men in Providence. This is all I have ever received. I never

received anything from the Rhode Island authorities, and none from the soldiers stationed here from abroad—not to my knowledge. No person from Rhode Island has ever made any inquiries of me in relation to my circumstances, or the manner in which my husband was killed, nor offered any assistance.

SARAH KELBY.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 3, 1844.*

Then said Sarah Kelby being duly cautioned and sworn, made and subscribed the foregoing, reduced to writing in her presence by me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 36.

*Deposition of Ellis B. Pitcher.*

I, Ellis B. Pitcher, of Pawtucket, in the State of Massachusetts, manufacturer, thirty-five years of age, depose and say : That I knew Alexander Kelby, who was killed on the 27th of June, 1842. He had worked in my employ over three years as a dresser-tender. At times he was affected with liquor ; but for the last two years he worked for me, very rarely so—probably not over two or three times a year. He was a peaceable and well-disposed man at all other times, and I never had any difficulty with him. He was attentive to his work, unless on occasions as above referred to. On Monday, the day on which he was killed, the mills were not at work. I do not recollect seeing him on that day, except at about sunset, when I saw him on the Rhode Island side of the bridge, which was before the soldiers came on the bridge. I saw him flourishing his fists, and he appeared excited. I did not see him do anything more than I have stated. There were a large number of persons on both sides of the bridge—most on the Rhode Island side. I made but a short stop—not over five minutes. I then, as I think, came over to the counting-room. This was about sunset. I remained there till after dark, and then went to Mr. Starkweather's, on the Massachusetts side, about eight hundred feet from the bridge. Just after leaving my counting-room, I heard firing—half a dozen guns, I should think, within half a minute. It appeared to come from the bridge. It was then dark. This was the first firing I heard. When light, I can see the corner of the bridge where the barber's shop is, from my counting-room. It was too dark to see it then. There were people in the streets at that time. I could hear a good deal of noise, but saw nothing that I can describe. I heard a man, who was within about twenty feet of me, say, "Oh dear, I am shot." I don't know who he was, nor whether he was shot or not. It was not Kelby. I then passed on. I then went to Mr. Starkweather's, and remained there during the night. I did not go to the bridge after that. About 12 o'clock I heard that one man in my employ had been killed, and that it was Kelby. I acted as one of a committee of a meeting of citizens to collect

subscriptions for the family of Alexander Kelby, which was paid to Mrs. Kelby—about a hundred dollars. I do not recollect anything further bearing upon the subject.

ELLIS B. PITCHER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 9, 1844.*

Personally appeared the above-named Ellis B. Pitcher, and made oath to, and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

11. *Depositions relating to interference with the suffrage press, and detention of order to disband the suffrage troops.*

No. 37.

*Deposition of Walter S. Burges.*

I, Walter S. Burges, of Providence, in the State of Rhode Island, counsellor at law, testify: That on the 27th of June, 1842, between six and seven o'clock in the afternoon, or about seven, I was in my office, in the same building in which was the headquarters of the charter government. I was called out by Edward H. Hazard, who held some commission in the charter troops—I believe colonel. In a room adjoining that occupied by the governor and council, I was met by Charles H. Russell, of New York, who was designated as Colonel Russell. He handed me a letter, addressed to myself, which I at once recognised to be in the handwriting of Governor Dorr. The seal was not broken. They stated that they had intercepted it. I remarked to them, that all communication between Governor Dorr and any other person was interdicted by Governor King's proclamation; but they appearing to expect that I should open it in their presence, I did so. Within was a letter directed to the publishers of the Express, in Dorr's handwriting. The envelope, addressed to me, contained a statement of the contents of the enclosed, viz: an order for the disbanding of Governor Dorr's troops, which he requested me to forward for publication, and expressing a hope that the men would be allowed to return peaceably home. A copy of the contents is annexed to this deposition. Colonel Hazard then went out to collect the governor and council; and Col. Russell copied the letter addressed to me. Shortly after, we went into the governor's room. The letter to the Express was passed into the hands of General McNeil, who immediately broke the seal and read it, saying he should report it to his excellency the governor. Soon after, Governor King came in, and the letters passed to him; and he, with his council, returned with the letters into an adjoining room. When they returned, the persons present were the governor, and several of the council, Colonel Bankhead, of the U. S. army, General McNeil, Thomas M. Burges, mayor of the city, John Whipple, and Richard J. Arnold, assistant commissary general. Everything indicated that they placed implicit confidence in the communication,



as proof that the suffrage troops were disbanded. No doubt was intimated on that point. I then left, they retaining the letters. The next morning, about 9 o'clock, I met Governor Arnold, one of the council, who handed me the letters, intimating a wish that the order from Governor Dorr should be published in the Express, as intended. I went immediately to the Express office for that purpose. This paper was the organ of the suffrage party. The publishers informed me that they had been threatened, and had published their last paper; and declined issuing another number, without an order or permission from the governor and council. I communicated this to Gov. Arnold and General Carrington of the council; and Mr. Arnold then wrote an order or permission for the publication, which I took to the publishers; and soon after, an extra appeared, with Governor Dorr's communication, the original of which I have seen appended to the deposition of Samuel Low.

It was after the letter from Governor Dorr was in possession of the governor and council that the difficulties happened in Pawtucket and at Bel-  
 lingham, in Massachusetts.

Interrogatory put to the witness. Do you know of any of the leaders in the suffrage party, who were professional men, who had abandoned the people's constitution in April, 1842, or at any time, on the ground that it had not received a majority of the votes of the people in its favor?

Ans. I know of no such leader, in the legal profession, who has ever done so. I have no knowledge as to any other profession.

WALTER S. BURGES.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 10, 1844.*

Personally appeared the above-named Walter S. Burges, and made oath to the truth of the foregoing, reduced to writing by me in his presence, and subscribed by him before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
 through the Commonwealth.*

*Copy of letter of T. W. Dorr to the above witness, referred to by him as enclosing the note to the Daily Express newspaper, appended to the deposition of Samuel Low.*

"GLOUCESTER, *June 27, 1842.*

"DEAR SIR: Please hand the enclosed, as directed. Believing that a majority of the people who voted for the constitution are opposed to its further support by military means, I have directed that the military here assembled be dismissed.

"I trust that no impediments will be thrown in the way of the return of our men to their homes.

"Yours, &c.,

"T. W. DORR.

"W. S. BURGES, Esq."

The foregoing is an exact copy of the original letter, now in my possession, which I received on the evening of June 27, 1842.

W. S. BURGES.

No. 38.

*Deposition of Samuel Low.*

I, Samuel Low, of Providence, in the State of Rhode Island, twenty-eight years of age, depose and say: That I was one of the publishers of the "Daily Express and New Age," which was considered the organ of the suffrage party in Rhode Island.

On Saturday, June 25, 1842, the charter legislature declared *martial law* in force in Rhode Island. On Sunday the 26th, the office of the Daily Express and New Age was entered by a band of armed men, (some 10 or 12,) of the "law and order" party, (so called,) and searched, as they said, for arms. One musket, the property of Mr. Miller, one of my partners, was seized and carried off by them. They continued to search the different rooms for half an hour or more, when they left. They returned once or twice more during the day. There was quite a collection of people around the street door, friends of "law and order," threatening to destroy the office, and insulting individuals of the other party who had occasion to go in or out of the office. Mr. Danforth, the editor, in particular, was grossly insulted while passing from the office, by Mr. Caleb Allen, an elderly gentleman of good standing in the community, and an ardent supporter of law and order, who was inciting the assemblage to acts of violence on the establishment.

Mr. Larcher, the owner of the building, came into the office on Saturday the 25th of June, 1842, with an officer. I was not present at any conversation had at that time. He was also in the office on Sunday the 26th of June, when the armed men entered and searched the office; he was very much excited, and ordered us to evacuate the premises immediately; stating that his building was not safe an hour, or "*that they would put us out*"—meaning the charter party, and pointing towards the market-place, where there was a considerable body of soldiers and citizens of the charter party. After expostulating with him a long time on the impossibility of moving a newspaper office, with a heavy printing machine, without previous arrangements, and with no place but the public streets, or a storehouse, to remove it to; and ascertaining that the only objection he himself had was our printing a daily paper, we proposed to issue one more number of the Express, the day following, (Monday,) to inform our friends of the circumstances under which we labored, and then discontinue its publication until the great excitement which then prevailed was abated, and to continue the semi-weekly paper (the New Age) on its regular days of publication as usual. To all of which he assented, and left the office.

On Monday, June 27, the daily paper was issued, announcing to our patrons and friends the last appearance of the daily paper, under the existing circumstances. We still intended to go on with the semi weekly. On this morning, (the 27th,) Mr. Larcher again called, and said he had seen "*them folks*," (meaning, as I understood, the governor and council, then in session,) and that they had rather see the whole building in ashes, than that we should issue the paper. The excitement continued to increase, and many angry threats were made of destroying the office, and throwing the publishers out of the windows. Armed men were in the office, I think, once or twice in the course of this day. Some of our hands were alarmed at remaining in the office; we concluded, however, to issue the semi weekly

paper on the morrow (Tuesday) morning, its regular day of publication, and were enabled so to do, although we had but one compositor and Mr. Miller, one of the partners ; we got the paper out for the next morning, and announced in it its suspension for the present.

On the morning of the 28th of June, before the paper was struck off, the office was again visited, and proof-sheets of the morning paper demanded ; they did not get them.

The same day, about noon, an order from Governor Dorr to disband his troops dated at Chepachet, the 27th of June, directed to the "publishers of the Express," was handed to us by Walter S. Burges. The original of the letter is appended to this deposition. The letter would have reached us on Monday evening, the 27th, in ample season for Tuesday morning's paper, had it not been intercepted. I have no doubt this letter was in the possession of the governor and council on Monday evening. If published on Tuesday morning, it would have allayed the excitement, and prevented the excesses which happened on that day. It is well known that Mr. Dorr and his friends abandoned Acote's Hill on the afternoon of the day on which this order of the 27th is dated, and this original order was in possession of Governor King and council from Monday evening until Tuesday forenoon, and suppressed by them, when it was brought to us, broken open ; and having been in the possession of the governor and council, and both of our papers suspended from causes above stated, we got Mr. Burges to see if the governor and council would allow a publication of an extra containing this order. He applied to them, and got permission to issue an extra containing the order, which we accordingly published. That was the last paper we issued until September 13, 1842. The paper was not stopped for want of pecuniary means or patronage at that time, but solely from the above circumstances. I saw prisoners brought into the city on the return of the charter troops from Chepachet ; they were tied with a small cord at the arms.

SAMUEL LOW.

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GLOCESTER, R. I., June 27, 1842.

*To the Publishers of "The Express," Providence, R. I.:*

Having received such information as induces me to believe that a majority of the friends of the people's constitution disapprove of any further forcible measures for its support ; and believing that a conflict of arms would therefore, under existing circumstances, be but a personal controversy among different portions of our citizens, I hereby direct that the military here assembled be dismissed by their respective officers.

T. W. DORR,  
*Commander-in-chief.*

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No. 39.

*Deposition of William J. Miller.*

I, William J. Miller, of Providence, in the State of Rhode Island, printer, twenty-six years of age, depose and say : That in June, 1842, I was one of the proprietors of the Daily Express and New Age, which was the organ



of the people's government under the people's constitution. I have heard read the deposition of Samuel Low, who was then one of my co-partners in said paper. The facts which he states therein as within his knowledge, and the conversations and threats which he relates, I knew and heard at the time, and knew them to be true; and I also was informed by others of what he states as information derived from other persons. The reasons assigned by him were the sole causes for suspending the paper. Our apprehensions were such, in regard to the safety of the property, that on Monday evening, the 27th, we collected all our valuable papers and books for removal to a place of security, if such could be found; and on Tuesday morning I had them removed to a private dwelling.

WILLIAM J. MILLER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 11, 1844.*

Personally appeared the above named Samuel Low and William J. Miller, and severally made oath to the respective depositions subscribed by them, and carefully read to them by me in their presence. Said Low's deposition was reduced to writing by him in my presence. Before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 40.

*Deposition of Walter R. Danforth.*

I, Walter R. Danforth, a native of Providence, and now, and for more than fifty years, a resident therein, make the following declaration under oath:

Sunday, the 26th day of June, 1842, was a day of extraordinary excitement in the city of Providence. The public markets and the stores were open, and the place was thronged by vast numbers of troops from other parts of the State. In the morning I repaired to the office of the Daily Express, which was then in the granite block, on the northerly side of Market square. This is the centre of the city, and focus of local news, and was at that time the theatre of the greatest bustle and excitement. Martial law, which had been declared the day previous, under the authority of the Algerine legislature, was on that Sunday in full operation. On Market square, and in several of the public streets, and at the lines of the city on roads leading into the country, military guards and sentinels of white and colored persons were posted, to prevent the egress of citizens who could not present a written pass or permit from the authorities, and to apprehend and hold in custody suspicious characters; which description of characters was well understood to be confined to democrats and friends to the suffrage cause and equal rights. Military officers, subs and privates, with civil officers of the United States, the State and the city governments, were moving about, armed, in all directions, evidently designing to increase rather than to allay the excitement which prevailed. The United States marshal was conspicuous on this occasion, acting with the Algerine party with great zeal. Several persons were arrested during the day; and, from

the windows of the Express office, I saw some of them under a military guard carried through the streets, either in carriages or on foot, to some place of confinement. In the afternoon, when I left the Express printing-office, a large mob was gathered in Market square—the denser portion being in front, and near the entrance to the office. I was accosted by a citizen, aged more than sixty years, who partook of the excitement in a high degree, and who, directing his discourse to me, in a very impassioned and loud tone, and pointing towards the sign-board of the office, vociferated: “That office is the cause of all these troubles; it is a public nuisance, and ought to be torn down, and its types and materials scattered over Market square and destroyed.” His object evidently was to provoke a controversy with me, and to produce a rush of the exasperated mob on that press which had been the bold and uncompromising organ of the suffrage cause. His words, if not precisely quoted, were of the above import; and he repeated them several times, and at each repetition I replied: “You are a *law and order* man, and this is an admirable commentary on your professions and those of your party;” and, after a few minutes, I left the excited man still pouring forth his maledictions against that press. That part of the granite block in which was the office of the Express, was owned by John Larcher, who was of the Algerine party—not violent and vindictive, but a timid man, anxious about the preservation of his property. When he thought that a horde of foreign desperadoes would come to assist the suffrage party, and to lay waste the possessions of the Algerines, he remarked that the Express being there was a good insurance of his building; but when that story died away, like others of Algerine fabrication, he then insisted that the printing-office should be removed. He was urging them (the proprietors) to that on Saturday, on this Sunday, and on Monday; and threatened, as I learned from others in my absence, if they did not comply with his urgent request, to invite the mob without, to come in and remove the materials. Of this I have no personal knowledge. His conversation, when I was present, was directed to the proprietors of the press; and I gave little heed to what he said, being generally engaged in editorial duties, and having no proprietary interest in that paper. On that Sunday, or on Monday, a military detachment commanded by T. B. Fenner came into the office of the Express, and he informed me, very courteously, that his object was to search for arms. I stated to him that I had learned from one of the proprietors, (Mr. Miller,) that a military guard had previously been there, searched the office, and carried off the only gun they could find; and he then retired with his comrades. Some of the military came to the office in my absence, I was told, and demanded the inspection of the copy or proof-sheet, that they might be apprized of what would be forthcoming in the morning’s paper; but they were refused. We were for several days harassed by some of the civil and military Algerine mob, and by our landlord; and, after printing a paper on Tuesday morning, 25th June, we suspended its publication to “a more convenient season.” The proprietors of the Express were Messrs. Samuel B. Millard, Samuel Low, and William J. Miller; and what I have stated as from information, their depositions will probably verify—except Mr. Millard’s, who was absent the last three or four days of our publication, and now resides in New York.

W. R. DANFORTH.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*PAWTUCKET, *May 9, 1844.*

Then personally appeared the above-named W. R. Danforth, and, being cautioned and sworn to the truth of the foregoing, subscribed the same in my presence, which was reduced to writing by the deponent, and read to him by me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

No. 41.

*Deposition of Aaron Simons.*

I, Aaron Simons, of Providence, in the State of Rhode Island, testify and say: That I am attached to the office of the Republican Herald, a democratic newspaper published in Providence, and which advocated the suffrage cause, and was the only paper that survived the controversy, on that side. On the morning of the 17th of August, 1842, Samuel Dexter, who is a son-in-law of Governor Fenner, and had been active on the charter side, came into the office and, after discontinuing his subscription to the paper, made use of abusive and violent language, (apparently much excited,) and said that the press and types ought to be thrown into the street, and that he would be one to help do it. From threats out doors, and other causes, the press was kept in awe during the continuance of martial law, and the liberty of the press was, in a great measure, suppressed.

AARON SIMONS.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*PAWTUCKET, *May 11, 1844.*

Personally appeared the above named Aaron Simons, and subscribed and made oath to the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

III.—*Depositions relating to arrests, searches, and acts of alleged violence.*

No. 42.

*Deposition of Leonard Wakefield.*

I, Leonard Wakefield, of Cumberland, in the State of Rhode Island, forty years of age, depose and say: That I am, and have been for about fourteen years, a minister of the Methodist Episcopal Church. I have resided in Rhode Island and been a local preacher there for about fourteen years.



On the 13th of June, 1842, I was at home in my office; I acted at that time as assistant to the postmaster at Cumberland. The State troops were returning from Woonsocket to Providence—about three hundred. Two of the soldiers came into the office where I was then engaged, and inquired if I had any fire-arms, and demanded the same. I delivered to them a small birding gun, which I had had for many years, and they went away with it. I then went into my house to dinner; my wife was tending a sick infant child which was not expected to live, and which died in a few weeks after. As I sat eating my dinner, three soldiers came into the room, and two of them were stationed over me as a guard; they were armed with muskets; the other searched every part of the house, from the garret to the cellar, not excepting the lodging room. They found nothing, and I was then ordered to go with them; was not told where, nor for what. Two of the soldiers took me by the arms, one on each side, and marched me across the street to the tavern. I was carried into the hall of the tavern, and from thence, without any examination or inquiry, put into a wagon with other prisoners; there were twenty one prisoners in wagons. We were then conveyed to Providence, a distance of twelve miles. The wagons containing the prisoners were in front of the body of the troops, who followed them. In each wagon there were soldiers guarding the prisoners; two on each side of me with muskets; and, so far as I could see, that was the mode each prisoner was guarded; none of them were bound. When we reached the precincts of Providence, we were taken from the wagons; the prisoners ranged two and two in file, flanked with soldiers on each side—the body of the troops in the rear; and in this order we were marched through the principal streets to one of the armories. While we were passing through the streets, garlands were thrown from windows to the soldiers; and there were shouts, and jeering, and insults heaped upon the prisoners. I heard, repeatedly, exclamations—"there goes the minister!" and in one instance, "d——n him, the next time he preaches, it will be in the State prison!" I was generally known in Providence as a clergyman. We remained at the armory about half an hour. There was no examination or inquiry of the prisoners. Some one of the officers, as I supposed, asked what should be done with the prisoners. General Edward Carrington (who, I understood, was one of the governor's council) said: "God d——n them, take them off to the State prison." The City Guards then took us in custody, having first been ordered to load with ball cartridge; which they did. We were then placed between two files of soldiers, the remaining troops in the rear, and were marched to the State prison. There were twenty-one prisoners, and the company of soldiers was a full one. We were put into the cells in the State prison. The cell that I was in had sixteen persons in it. Its dimensions were about twelve feet by nine. Under the edge of the roof there was a loop-hole, and in the door a hole about seven inches by five. A pipe for ventilating led from the floor through the outer wall.

We were put into the cell about sunset, and the sixteen continued confined there from Thursday evening until Sunday about noon—being let out once a day in the yard, under a guard. We slept on the floor—lying in a heap together, as we best could. The suffering from want of air and space was severe. On Sunday the prisoners were separated; and, after that, there were eight in the cell I was put in. I was confined six days, in all. I was taken before the commissioners in one of the rooms in the jail building. Stephen Branch was the chairman, and there were

three others. No charges whatever were brought against me. I was asked my name, age, and residence ; if I had been at Chepatchet ; if I had run bullets for Dorr's men : to which last question I answered no. I was also asked about a discourse I had preached on the Sabbath at the Albion village. Mr. Branch made the inquiry. I asked him if he wanted a synopsis of the discourse, which I was ready to give. He said he only wanted what I had said about fighting. I replied that I had exhorted the people not to fight at all on either side. He asked no further question. Christopher Rhodes, who was present, but not one of the commissioners, said he knew nothing about it ; but his agent at the Albion village had told him something about it. He did not state what. In answer to the question whether I had been at Chepatchet while Dorr was there, I answered that I had ; that I went at the request of a number of my neighbors, to induce the Cumberland men, who were there on the suffrage side, to come home ; that I had no arms. It was true that I had gone to Chepatchet, and had an interview with the Cumberland company on the suffrage side ; and, in consequence of my representations, as I believe, they left the ground and returned home.

After these inquiries were made by the commissioners, the chairman asked if any person appeared for or against me. There was none on either side. I had four of my neighbors present, to testify in my favor if necessary ; but there being no charges against me, I did not call on them. I was then remanded to prison, no reason being given for that course, and remained in confinement till the next day in the afternoon, when I was again carried before the commissioners, with some fifteen others, to whom an address was made, and we were discharged. From the time I was arrested, and until discharged, nor ever after, did I hear or learn from the authorities the grounds, or charges, or suspicions, upon which I was arrested. During my imprisonment, our fare was two rations a day of stale bread and meat, and nothing else but water. I had done nothing on the suffrage side, except to express my opinions freely and fearlessly, with a temperate zeal. I had done nothing to induce, but all I could to prevent violence. The sermon alluded to, which I preached at Mr. Rhodes's village, (the Albion,) was decidedly pacific, and discouraged any attempt to take up arms.

LEONARD WAKEFIELD.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 4, 1814.*

Personally appeared the above named Leonard Wakefield, and made oath to and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 43.

*Deposition of Eliab Whipple.*

I, Eliab Whipple, of Cumberland, in the State of Rhode Island, farmer,

thirty six years of age, depose and say: On the 6th of July, 1842, I was arrested by Samuel Currey and two others, on a warrant of the governor and council, on a charge of treason. I was brought to Providence, and put into prison. At the end of eight days I was examined by the commissioners and remanded—nothing appearing against me. After I had been in prison twenty-four days, I was told I was discharged; but before I left the prison, I was arrested again by the civil authorities, and the next day sent to the jail at Newport. At the end of six days I was allowed bail in ten thousand dollars, with sureties; which I procured. At the next term of the court, the grand jury found no bill; but my recognizance was not discharged until the next term, when I was informed that the grand jury had found no bill, and the recognizance was discharged. This information I had from the attorney general. I was imprisoned thirty-one days, and under recognizance for ten thousand dollars from August, 1842, to March, 1843. The only reason for my arrest, that I ever knew of, was, that I had voted for the people's constitution and for Governor Dorr. I had never taken up arms, nor took any part in the conflict. I went to Chepachet solely from curiosity on Friday, the 24th of June, and returned home the next day; was unarmed, and took no part. I continued at home about my ordinary business until I was arrested.

ELIAB WHIPPLE.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 9, 1844.*

Personally appeared the above-named Eliab Whipple, and made oath to and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 44.

*Deposition of Henry Lord.*

I, Henry Lord, of Providence, in the State of Rhode Island, depose and say: That I am nearly sixty years of age. I was taken by the charter troops at Acote's hill on the morning of June 29th, 1842, and was unarmed. I was the only person on the hill when the advance of the troops came up; I saw no other; this was about eight o'clock, I should judge; it might have been seven. When I saw a horseman coming, I went down the hill and met him. It was Colonel George Rivers. He asked me, (pointing to the hill,) Will they fire? I answered no; that there were no troops there. He then went up, two soldiers following, and gave three cheers when he took possession of the fort. There was no resistance made, for there was no one there to make it. I went down into the road, and there encountered the main body of the troops, and was taken prisoner. They then had in charge over a hundred prisoners; none were tied. The troops did not go up the hill, but marched to Sprague's hotel with the prisoners. The next



morning we were mustered, and tied together with large bed-cords. The rope was passed in a close hitch around each man's arm, passing behind his back, and fastening him close up to his neighbor; there being eight thus tied together in each platoon; we had no use of the arm above the elbow. In this way we were marched on foot to Providence, sixteen miles, threatened and pricked by the bayonet if we lagged from fatigue, the ropes severely chafing the arms; the skin was off of mine. In two instances, when the soldiers were halted to refresh, we were refused the use of their cups to get water from the brook which passed the road, and had no water till we reached Greenville, about eight miles. It was a very hot day; I had had no water or breakfast that morning, and I received no food until the next day in Providence. We were marched thus tied through the streets, and, after being exhibited, were put into the State prison. Fourteen were put into my cell, which was seven feet by ten. After remaining in prison twenty-four days, I was released on parole.

HENRY LORD.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss* :

PAWTUCKET, *May 10, 1844.*

Personally appeared the above-named Henry Lord, and made oath to and subscribed the foregoing, reduced to writing by me, in his presence. Before me,

B. F. HALLETT,

*' Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 45.

*Deposition of Mehitable Howard.*

I, Mehitable Howard, of Cumberland, in the State of Rhode Island, wife of Joseph Howard, of said Cumberland, depose and say: That on the 29th of June, 1842, in the morning, between five and six o'clock, Alfred Ballou, with seven other men, all armed with guns, came to my house and entered it—I forbidding them to enter. Myself and grandchildren were the only ones in the house; he broke the door open, and drove it off the hinges. As Ballou came in, he seized me by the shoulders, and shook me hard, leaving prints where he took hold of me. He then pushed me, and pushed me against a post about three or four feet from where I was standing, which bruised my shoulder very much. He came up to me again, seized me, and pushed me again toward the window, saying, "Get out of the way," in a loud voice. He then gave me a shake, and left me, saying, "Where is Liberty, (meaning my son,) and where is the gun?" He went up stairs and searched the chambers, turning the beds over in which the little children were. He then came down, and went into my lodging room, and took a gun and carried it off. I was much overcome; but when he came out, I said, "I don't fear you, Mr. Ballou." He then came up to me, laid his hands on me and shook me, and said, in a very loud voice, "Do you know that you are under martial law?" He then took his bayonet, and put the point of the bayonet against the pit of my stomach: he pressed the bayo-

net against me, and said, "I will run you through," looking very angry and spiteful. The point of the bayonet went through my clothes and fractured the skin, but did not break it, but caused the blood to settle the size of a ninepence, or larger. I verily believed at the time that he intended to run me through. With my hand I knocked the bayonet away, and he stepped back, and stood and looked at me with a stern look, and then went out of the house. Ballou appeared to be the leader of the band. Some of his men were in the house; I saw two in the house with him, armed. He said nothing to me about his authority, or why he treated me so. My husband was a suffrage man, which is the only reason I know for this treatment. Ballou had been a neighbor of ours for near forty years; he was a charter man. I was hurt very bad, and unable to do my work for several days after, and have never recovered the effects of the shock upon my system. I am sixty-two years of age. The gun has not been returned.

MEHITABLE HOWARD.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 4, 1844.*

Personally appeared the above-named Mehitable Howard, and made oath to and subscribed the foregoing, reduced to writing in her presence, by me. Before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 46.

*Deposition of Nathaniel Knight.*

I, Nathaniel Knight, of Providence, in the State of Rhode Island, of the age of thirty-nine years, blacksmith, depose and say : That on Tuesday, the day after Alexander Kelby was killed, I came out to Pawtucket, to see the corpse. I had a permit from the mayor of Providence, which I got to prevent any trouble to come to Pawtucket. I saw the corpse; but found it was not that of any person I had known, as I had supposed it was. While waiting for the stage to return to Providence, and conversing about the corpse, I said that it was a mean piece of business to kill a man like that, with a large family. A young man standing by, whose name I did not know, as I suppose, reported this to Captain Brown, who had the command of some soldiers stationed there. It was in front of the building where I understood the troops had their headquarters. Captain Brown thereupon ordered me to be taken up into the hall; and I was taken there by the soldiers, among whom was this young man, who appeared to be one of the company. They told me to go in and sit down with those prisoners. There were two there. I sent for Captain Brown, who came; and I told him what I had said; and, after some conversation, I sent for two men who were acquainted with me—one of whom was Bradford Hodges, who, I understood, was a charter officer; and upon his recommendation I was re-

leased, and returned to Providence. I was in custody about two hours. On the Thursday following, I was working in my shop in the morning, and, when I went home to breakfast, my wife informed me that George B. Holmes had been to my house to inquire for arms and ammunition. On the following Saturday, George B. Holmes came to my house, after I was in bed, and told me I had better leave the State for a week or two, till things were settled. I told him I had done nothing, as he very well knew; that all I had done, I had walked up to the polls and voted as a man ought to. I was a freeholder, and had had a right to vote under the charter. I told him I should not leave my wife and property. He said then they would have me that night or in the morning. He went out; and, in a few minutes, a guard came, consisting of nine negroes and three whites. They were all armed with muskets, except the commander, who had a sword. He was a white man. The commander and a negro came into the house, and took me as a prisoner, and marched me down to the armory. The commander ordered me to fall behind, and one of the negroes took hold of my arm to lead me. I refused to go in that way; and told the captain that I would not march through the streets with a negro. He then ordered them to halt; and said, when he ordered them to take hold of me they might. The negro let me alone, and we went to the armory, and I was kept prisoner there all night, under the guard of these armed negroes. I saw but two white men there that night, and they turned in and went to sleep, and left the negroes to guard. In the morning I got access to the colonel. He inquired what I was there for? And nobody had any charges against me. This was Sunday morning; and I asked leave to go home and change my clothes. He offered to let me go with the guard. I told him I would not go through the street with those negroes; and, finally, he let a white man go with me, with his cartridge-box and bayonet. I went home, changed my clothes, and returned with this guard; and, shortly after, the colonel said there was nothing against me, and discharged me.

NATHANIEL KNIGHT.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 4, 1844.*

Personally appeared the above-named Nathaniel Knight, and made oath to and subscribed the foregoing, reduced to writing in his presence, before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 47.

*Deposition of Ann Maria Buffington.*

I, Ann Maria Buffington, wife of Alfred Buffington, of Providence, in the State of Rhode Island, testify and say: That on Sunday, the 26th day of June, 1842, John F. Pond, William P. Blodget, Thomas Sekell, Charles Wheeler, William Clark, Bennett Wheeler, jr., and some others, (the per-



sons named being all armed, and some of the others also armed,) entered the dwelling-house of said Alfred Buffington, in Providence, without knocking or asking admission, late in the afternoon, and proceeded to examine such parts of the house as they saw fit. From one of the rooms they took and carried away an old musket belonging to my father, Samuel Horswell, and then went away. The next morning, about seven o'clock, the same persons above named, except the two Messrs. Wheeler, together with Joseph Belcher and Edward Harwood, again entered the house, without leave, and made a second search. In one of the rooms they broke open a box containing clothing, and scattered the things about the floor; searching the drawers of my bureau and every room and closet. They alleged that they were in search of my husband, and for powder and shot. I asked what he had done that they should search for my husband? And they said he had given a great deal of money to support the suffrage cause. I followed them round to every place they searched, and did not miss any property after they had gone, except the gun. They placed a guard around the house when they came on Sunday afternoon; and orders were given (which I heard) by William P. Blodget, to "shoot the d——d rascal, if he comes out."

ANN MARIA BUFFINGTON.

COMMONWEALTH OF MASSACHUSETTS, *Bristol*, ss:

PAWTUCKET, *May 4, 1844.*

Personally appeared the above-named Ann Maria Buffington, and made oath to and subscribed the foregoing, reduced to writing by me in her presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 48.

*Deposition of Elizabeth Nutter.*

I, Elizabeth Nutter, of Providence, in the State of Rhode Island, of lawful age, do testify and say: That on Sunday afternoon, the 26th of June, 1842, the same persons named in the deposition of Mrs. Ann Maria Buffington came from Mr. Buffington's house to the house of his father-in-law, (Mr. Samuel Horswell,) in Providence, in which I resided; I saw them, from the window, coming from that house. They knocked at the door, and Mr. Horswell refused them admittance. They said they would come in and look for Mr. Buffington. Mr. Pond then came in, (John F. Pond,) and came to my lodging room, from which I had heard what had passed. I heard Miss Horswell tell Pond that there was no one in my room but myself. He made no reply, but came to the bed-room door, and entered without any notice; being at the time only partly dressed, as he entered the door, I retreated into a small closet, or clothes press, and closed the door. He followed quickly, and, without saying anything, he forced the door open while I was holding it. I told him there was no one there but myself; that I was

dressing, and to go about his business. He then seized me by the arm with great violence, and drew me forcibly out of the closet into the room. I struggled in resisting this alarming violence; and after he had drawn me out into the room, he then said, in a sneering manner, "Oh, I beg your pardon, it is a lady." Before he drew me from the closet, and before I entered, he must have seen me, and known it was a female. He then proceeded over the rest of the house, and searched the upper part of the house, and after joining his associates I heard him tell them what he had done, viz: that he only found a lady in a clothes press; upon which they raised a shout of laughter. They then left a guard at the house, and the rest went away. The force which Pond applied to my arm made marks upon it, and caused a lameness for several days afterwards.

ELIZABETH NUTTER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 4, 1844.*

Personally appeared the above-named Elizabeth, and made oath to and subscribed the foregoing, reduced to writing by me in her presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 49.

*Deposition of Otis Holmes.*

I, Otis Holmes, of Providence, in the State of Rhode Island, brewer, fifty years of age, depose and say: That on Sunday, the 26th of June, 1842, my house in Providence was entered by a body of armed men. They searched the house, breaking the locks, though I offered to give them the keys. I was lying on the bed, and was taken by two men, who seized me by the collar. One was named Samuel Thomas; the other I did not know. Charles Harris, at the same time, put a pistol to my breast. They found nothing at my house but my training musket, which I had had many years; they took it, and have never returned it. They carried me to my brewery, and broke in there; I had previously offered them the keys of my premises. In the brewery they found two old ducking guns, without locks, and one old musket with a shattered lock and no ramrod. They took these, and they have never been returned. There was also a hunting powder-horn, with about half a pound of powder, and a cannister of about a pound of powder, which belonged to another man who left it there. They also broke into my store and counting room, and ransacked that, my private papers, and then marched me to the office of Henry L. Bowen, esq., justice of the peace. I was carried through the streets by two men, having hold of my collar, and another in front, with a pistol. There were about thirty men with muskets; I made no resistance. The course lay through the principal street of the city. I heard no charges, and was not examined before Mr. Justice Bowen; but was marched to jail, with a file of soldiers, in

company with ten others. I was put in a room in the jail, and remained there seven days, and then, without examination, put into one of the cells of the State prison with seven others. It was large enough for us to lie down, by lying heads and points. I remained there twenty-one days. The suffering was extreme, from heat and want of air, with plenty of vermin. The health of the prisoners suffered materially. During this time I was examined by the commissioners. They charged me with keeping arms to aid the suffrage cause. No proof was shown. I was remanded. I then got a writ of habeas corpus before Judge Staples, of the supreme court, and went before him in a room in the jail, and, upon a hearing, was discharged. I was then immediately committed by the deputy sheriff, on a warrant from Henry L. Bowen, on a charge of treason. I then applied for another writ of habeas corpus, which Judge Staples ordered to be heard before the whole court at Newport. I was there heard, and allowed bail in the sum of twelve thousand dollars, with sureties. At the next sitting of the court in the county of Providence, the grand jury found no bill against me, and I was discharged. I was in close prison fifty-nine days.

OTIS HOLMES.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 9, 1844.*

Personally appeared the above-named Otis Holmes, and made oath to and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 50.

*Deposition of Martin Luther.*

BRISTOL, R. I., (*County Jail,*) *April 3, 1844.*

I, Martin Luther, of the town of Warren, county of Bristol, and State of Rhode Island, depose and say: That in the early movements of the suffrage party in Rhode Island, in the year 1841, I did not take any active part, save voting for the delegates to frame a constitution, and for the same when it was submitted to the people for their adoption or rejection; but after the adoption of the constitution, and the General Assembly, by their acts, attempted to prevent its going into peaceable operation, and raised the question of sovereignty between the *people* and *themselves*, I became deeply interested, attended meetings, acted on committees, and, in fact, acted in any capacity the people saw fit to place me. On the 18th of April, 1842, I was elected moderator of a town meeting in Warren, under the people's constitution, and presided over the same, receiving the votes of my fellow citizens for general, state, and town officers. Of the organization of the government under said constitution, and the attempt to take possession of the State's property, I need not give particulars; suffice it to say, that on the 27th of June following, my friends became alarmed for my safety, and advised me



to leave the State; which I did, and went to Fall River. The next day (28th) I returned as far as Cornell's tavern, in Swansea, Massachusetts, where I was again advised by friends to return to Fall River, they not deeming it safe for me to remain even there; which I did the same evening. Between the hours of three and four o'clock, in the morning of the next day, (29th,) within forty-eight hours after I had left home, the inmates of my house in Warren were awakened by the forcible entry of nine armed ruffians, viz: Stephen Johnson, Luther M. Borden, James Gardner, William L. Brown, John H. Munroe, William B. Snell, (surveyor of the United States for the port of Warren, district of Bristol,) Hammond Sargeant, Silas P. Martin, and John Kelly, all of Warren, who burst in the outside and an inner door; a servant girl, who was awakened by the noise, sprang out of bed, and put her fingers upon the latch of the door opening into her lodging-room, and requested the persons outside to give her time to dress herself, and she would then open the door; this was answered by an immediate entry of four or five armed men into her room. My mother, whose lodging room opened out of the former room, and who had succeeded in getting on a portion of her dress, entered the room at the same moment the ruffians did, and was met by one of them, who pointed a weapon at her breast, and said: "Tell me where Martin Luther is, or *I will run you through!*" She replied that I had gone to Fall River. He said: "*Don't you lie to me.*" She then repeated that I had gone to Fall River. He then said: "YOU LIE," and repeated the threat if she did not tell. She replied: "You can do as you please; but if Martin is not in Fall River, I don't know where he is." He then turned to leave her, and she asked him by what authority they had entered the house in that manner. He replied, by the authority of the State of Rhode Island. She told him she should like to see their authority. He then asked for a light, which my mother procured, but no authority was shown her. In the mean time, a part of the gang had proceeded up stairs, where two hired men lodged that worked on my farm; they being alarmed at the noise below, had endeavored to secrete themselves in a small room, containing a very low bedstead, on which were a number of articles of winter bed clothing. One of them attempted to get under the bed; but there not being sufficient space between the bedstead and floor, he could not get but about halfway under, and in that situation was found. On dragging him out, one of the gang remarked: "We have got him;" and another of the company, who was below, and heard the remark, started up stairs, and exclaimed as he went, "If they have found him, *I will kill him.*" My mother replied: "If you have found him, you may kill him." After they had finished their search, and told my mother they should visit her again and humiliate her yet, they departed, taking with them, as prisoners, my hired men, (Loranus A. Brayton and Stafford Healy,) whom they committed to jail in Bristol, where they remained some ten days, although neither of them had taken an active part in the suffrage movements; during which time, the crops on my farm suffered severely for want of attention. The foregoing facts, of my house being beset, have been furnished me by the then inmates; and I have a suit now pending in the United States court at Washington, against the nine individuals, who do not deny the facts, but plead justification under *martial law*, which was then in force in this State.

A few days previous to the annual election in April, 1813, I returned into the State of Rhode Island, and remained until the election was over. After it was ascertained that the whigs had carried the Stat, the day after the

election I was arrested on complaint of Stephen Martin and William Carr, jr., (the former the father of one of the ruffians that broke into my house,) for acting as moderator of the town meeting of April 18th, 1842, and committed to the county jail in Bristol; after remaining in confinement two days, Messrs. Jonathan Smith and Salathiel Jones became my bail, and were bound in the sum of \$2,000 for my appearance at the next September term of the supreme court for the county of Bristol. At the meeting of the court in September, a bill of indictment was found against me, and the trial continued until the next March term of the court; the same gentlemen continuing my bail. On the 12th of March, 1844, I appeared before the court, was tried, convicted of acting as moderator of the town meeting of April 18th, 1842, and sentenced to pay a fine of \$500, with costs of prosecution, and to be imprisoned in Bristol county jail for the term of six months from the 12th March, 1844, where I now remain.

MARTIN LUTHER.

BRISTOL, ss:

BRISTOL, April 3, 1844.

Personally appeared the above-named Martin Luther, and made oath to the truth of the foregoing statement by him signed. Before me,

WM. C. VAN DOORN,  
*Justice of the Peace.*

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No. 51.

*Deposition of Stafford Healy.*

I, Stafford Healy, of Rehoboth, in the county of Bristol, in the Commonwealth of Massachusetts, yeoman, of lawful age, testify and say: That on the twenty-ninth day of June, in the year one thousand eight hundred and forty-two, when at work for Martin Luther, in the town of Warren, in the State of Rhode Island, and being myself at that time a citizen of said Warren, I was forcibly taken by a number of armed men early in the morning, some time before sunrise, who broke into the house and took me therefrom, and carried me to an hotel, when, after making some inquiries of me, I was again removed to the jail of Bristol county, and there confined for the space of seven or eight days, when I was examined by Joseph M. Blake, and discharged in the course of three days—nothing being, as he said, found against me; and all by no authority, to my knowledge, except that of force.

STAFFORD HEALY.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

APRIL 5, 1844.

Then personally appeared before me, the subscriber, one of the justices of the peace in and for said county, the abovenamed Stafford Healy, who was examined and sworn, according to law, to the truth of the above deposition by him subscribed; taken to be used at the city of Washington, before a special committee on a memorial there pending from citizens of the State of Rhode Island. Before me,

SAMUEL BULLOCK,  
*Justice of the Peace.*

IV.—*Depositions relating to the taking of Acote's Hill—Orders to the military—Interference of United States officers, and use of custom-house for military stores.*

No. 52.

*Deposition of Joseph Holbrook.*

I, Joseph Holbrook, of Boston, in the State of Massachusetts, forty-seven years of age, depose and say: That, on the morning of the 28th of June, 1842, I was at Chepachet in Rhode Island, near Acote's hill. When I arrived there, the fortification on the hill was abandoned by the suffrage party, so called. I was standing in front of General Sprague's hotel, having no weapon of any description, except a small cane. There were at that time no persons present who were armed or exhibited any hostile intent. An advance of from eighteen to twenty five men, of the charter troops (so called,) came up to the hotel, the main body of a division of about seven hundred men not being then in sight. The advance party were armed with rifles or carbines, and swords and pistols; and as they approached, at double quick time, they fired their pieces, without any apparent cause or the least provocation, at any persons they saw, indiscriminately. When this advance party came up to the hotel, I inquired of one of them who commanded the party; and he said Lieutenant Pitman, and pointed him out to me. From what I then learned and saw, I have not the least doubt that this person was Mr. Pitman, the clerk of the United States courts of Rhode Island. I said there was no need of violence. Several persons were standing in the entry of the hotel—the front door being open. There was no show of resistance, and nothing to make it with. One of the persons in the entry was recognised by the men who had come up, as Mr. Eddy—a suffrage man, as I then understood. He was called by name, and ordered to come out. He replied that he should not. Two of the armed party then rushed into the house, to force him out. A scuffle ensued between them in the entry, and the front door was accidentally shut. Lieutenant Pitman, observing this, gave the door a kick with his foot, but it did not open. He then leveled and took aim with his carbine, a seven barreled short piece, and appeared to be going to discharge it. Seeing this, I caught him by the shoulder, and begged of him not to fire, as he might kill some of his own men as well as others. He replied, "I don't care a God damn if I can kill somebody," and instantly fired. A ball passed through the key-hole of the front door, and took effect in the thigh of Horace Bardine, and I saw him in a few minutes coming from the house led by two, and shot in the thigh. Lieutenant Pitman's party charged upon them as soon as they appeared, and they were forced back, and I did not see Bardine afterwards. The party remained posted in front of the house, with their pieces leveled, ready to fire upon any one who should attempt to escape. At the time this occurred, Colonel William Mitchell, with whom I came to the place that morning from curiosity, was, as I believe, in the hotel, in a room just beyond the entry, and nearly opposite. Soon after this occurrence, one of the divisions of the main body of the charter troops came up, and I was arrested by order of Crawford Allen, and was confined with forty or fifty others in a small room of the hotel—most of whom had been taken by the troops on their march to Chepachet. These men were not armed, and I saw no evidence that they had taken any hostile part whatever in the controversy. They ap-



peared to have been taken indiscriminately, to make a show of prisoners. I was examined by Mr. Allen as to my object in being there, which did not appear to satisfy him; and I was put under guard, and ordered to be sent to Providence for further examination. Having taken no hostile part, I did not deem my detention necessary, nor in accordance with military usages; and, finding an opportunity, I availed myself of it to leave them—the rest of the prisoners remaining in the room. I have heard read the deposition of Colonel William Mitchell, with whom I was in company most of the time, and his statements in regard to the condition of the hill, and the state of affairs there, I know to be correct.

JOSEPH HOLBROOK.

COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

BOSTON, May 13, 1844.

Personally appeared the abovenamed Joseph Holbrook, and made oath to and subscribed the foregoing, reduced to writing by me. Before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 53.

*Deposition of Ariel Ballou.*

I, Ariel Ballou, of Woonsocket, in the State of Rhode Island, physician, depose and say: That I have seen and read an affidavit purporting to have been sworn to in Providence, the 23d of June, 1842, before Henry L. Bowen, justice of the peace, by Charles F. Harris, which is on page 43 of Document No. 225 of the "1st session of the 28th Congress, House of Representatives, executive," accompanying the President's message on the affairs of Rhode Island. Said Harris there testifies, that, while he was in custody of officers of the suffrage troops, on the 23d of June, 1842, between Chepachet and Woonsocket, they met a doctor, whom he describes as "a Doctor Ballou, who lives in Woonsocket," who stopped his sulkey, and, in conversation with the said officers, told them that "we" (meaning the suffrage men) "have five cannon at Chepachet," and that he agreed to send them over with horses. There is no other physician of mine or a similar name in Woonsocket or vicinity, and this statement was obviously intended to refer to me, and appears to have been used for the purpose of influencing the President of the United States. So far as concerns myself, it is utterly false. I was a member of the charter legislature from Cumberland, in which a part of the village of Woonsocket lies, and at that time was at Newport, in attendance on the legislature. I never knew or heard of any such transaction, until I heard of it through the said affidavit. I have also read a statement to the President of the United States, in the same document, page 21, No. 6, in which Mr. John Whipple, under date of April 9, 1842, informs the President that "nearly all the leaders, (of the suffrage party,) who are professional men, have abandoned them, on the ground that a majority is not in favor of their constitution." I think this statement

is incorrect ; I know of no leader, or professional man, who had abandoned the party at that time, or that ground. I think I was in a situation to have known it, if such was the fact. I was a member of the convention that framed the people's constitution, and one of the committee that counted the votes, the report of which committee is given in the same congressional document, No. 32, where my name appears. The votes were fairly and correctly counted ; and I then believed, and still believe, from all the evidence in the case, that there was a clear majority for the constitution. No proof has ever been offered, to my knowledge, that would affect this result, nor do I believe can be.

ARIEL BALLOU.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 10, 1844.*

Personally appeared the above-named Ariel Ballou, and subscribed and made oath to the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 54.

*Deposition of William Mitchell.*

I, William Mitchell, of Boston, in the State of Massachusetts, forty years of age, merchant, depose and say: That having business to transact at Norwich, Connecticut, I left Boston in the cars for that purpose, on Monday, June 27, 1842, intending to return *via* Providence, Rhode Island, where I had bills to collect. On my way to Norwich, in the cars, I was introduced to Messrs. Johnson and Weeks, reporters for Boston newspapers, who were going direct to Acote's hill, to give a correct report of the proceedings going on there ; and, in consequence of hearing some exciting stories by the way, of an expected battle, I was induced to change my route and accompany the reporters to the scene of action. We left the cars at Pomfret, and proceeded by wagon to Chepachet. It raining hard, we stopped for the night at Cady's tavern, in Glocester, and were there informed by men who had come from Acote's hill that Governor Dorr's troops had been disbanded, and that a compromise had been made. We were then four miles from the camp, and in the morning resolved to go and see it. We arrived there about half-past five o'clock, viz: Messrs. Weeks and Johnson, Joseph Holbrook, and myself—all of Boston. None of us were armed in any respect, nor, to my knowledge, had the slightest intention of interference. We went up on to the hill and in the camp ; it was completely deserted ; there was not a living thing in it, nor any armed men around or near it. The breast-work was slightly thrown up, insufficient to protect the men. There were seven iron cannon, three and six pounders, badly mounted, and no other armament, except a bent bayonet and a few rusty pikes, with some cannon cartridges and ball in a broken wagon. There were about seventeen tents

standing—the marquee having been burned down, the fire still smouldering. The defences were wholly inefficient as a military position. Finding the guns loaded, we concluded to fire them off—partly from sport, and partly to prevent the boys who had followed us up from the village, from doing any mischief. We touched them off with a brand from the burning marquee. There were also a number of cannon cartridges, loose cannon balls, and boxes with scrap iron in them, on the field. We then went down to Sprague's hotel, a few rods from the hill, and ordered breakfast. Up to this time we had seen no troops on either side, nor an armed man in the village. We were on the hill about an hour. While breakfast was preparing, about seven o'clock, we saw a body of men coming from the direction of Providence, about thirty in number. They went up the hill, and went into the fort. No person was there, when they took possession. The body of men, who were armed but not uniformed, soon after came down from the hill to the hotel, and surrounded it. There was no resistance or opposition to their movements. They came into the hotel, and seized a Mr. Eddy, who was in the entry. A scuffle ensued, in which Mr. Eddy escaped, and went out at the rear of the building. Two shots were fired, and Horace Bardine, who was standing in the entry, was shot in the thigh. I was in the dining-room, at the breakfast table, looking through the door that led into the entry. The shot that struck Mr. Bardine must have come through the front door. There was not the least occasion for firing these shots. I went out in front of the hotel, and sat down with Messrs. Weeks and Johnson. Colonel Brown then came up with the main body of the troops, in much hurry and disorder in their ranks. Colonel Brown, who appeared to be the commander, and who knew me personally, came up and shook hands with me; and I introduced Messrs. Weeks and Johnson, and explained to him the circumstances under which I was there. I was, nevertheless, detained as a prisoner till sundown, under guard. At that time, Colonel Bankhead of the United States army, who passed by the window, was recognised by Mr. Weeks, who introduced me to him as the commander of the detachment that had performed the funeral escort at the burial of his friend, Major Lomax, at the arsenal in Watertown, Massachusetts. By his kind interference, I was then released. Messrs. Weeks and Johnson were released at the same time, by the interference of Thurlow Weed, esq., of New York, who was there, as I understood, as commissioner from New York. While under guard, I was frequently insulted by armed men, and, in one instance, had to call for protection to the guards. I never experienced such brutal treatment, and never heard of such in civilized warfare. John Giles, an Englishman, a son of Hon. James F. Simmons, and a Mr. Harris, were the most abusive. General Stead, and a son of John H. Clark, treated me like gentlemen. I was examined by Mr. Crawford Allen, L. W. Clifford, Colonel William Brown, and ex-Lieutenant Governor Dimon, in the morning, and offered to prove that I came into the State unarmed, and after every insurgent (so called) had left the place; but I was kept prisoner until released, as above. I had never seen Governor Dorr, to my knowledge, and had never received any communication from him.

WM. MITCHELL.



COMMONWEALTH OF MASSACHUSETTS, *Suffolk, ss:*

BOSTON, May 5, 1844.

Then the said William Mitchell, being duly cautioned and sworn, made and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 55.*Deposition of Harvey Chafee.*

I, Harvey Chafee, of Providence, in the State of Rhode Island, forty years of age, depose and say : That, on the 28th day of June, 1842, I was first lieutenant of the united company, Train Artillery of Providence. I had formerly held the commission of lieutenant colonel in the same company, and resigned in 1833, and continued an honorary member. On the 27th of June I was elected lieutenant, and, understanding the company was only to be used as an unarmed patrol, I accepted the commission, and was qualified. The company then had no arms; Col. Bradford Hodges was the commander. Tuesday morning, the 28th, after it was known that a man had been shot at Pawtucket, we paraded at the armory. As one of the officers, I was there shown an order from Governor King to Col. Bradford Hodges, to this effect: "You are commanded to proceed forthwith to Pawtucket, and blow up Pawtucket bridge." The order was signed by Samuel W. King, commander-in-chief. I have a distinct recollection that such was the substance of the order, and am certain that it was an order to blow up the bridge. There were two cannon mounted, with ammunition; but we had no muskets. We were expecting every moment muskets from Massachusetts. Shortly after, the muskets did arrive at the railroad depot, from Boston, and were brought to the armory in boxes. The muskets were there taken out of the boxes, and were the United States Massachusetts muskets. They were in very bad condition; the bayonets would not fit, and could not be made to fit. They were afterwards tried, and many of them could not be got off, and the charges had to be drawn. After the muskets were distributed, we proceeded to Pawtucket with the two cannon, and, when half the distance, halted and charged the cannon with canister and grape, and the small arms with ball; then proceeded to Pawtucket bridge, and drew up the cannon so as to command the bridge and the Massachusetts side. We saw no armed persons, nor any disturbance, nor indication of an invasion of Rhode Island from Massachusetts. There was excitement growing out of what had happened the night previous, but no direct interference with us. Col. Hodges communicated to one of the officers of one of the companies which were at Pawtucket when we arrived, that his orders were to blow up the bridge, and he took the command of the forces. During some parts of the time we were stationed there, there were as many as four hundred troops, I should judge. It was understood that Capt. Olney, who commanded one of the companies, (the carbiniers,) was a New York man, and not a citizen of Rhode Island. The artillery

company occupied this post till Thursday noon, when we took up our line of march for Providence. While we were in Pawtucket, I could not see the least occasion for the company being stationed there.

HARVEY CHAFEE.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 10, 1844.*

Personally appeared the above-named Harvey Chafee, and, being duly cautioned and sworn, made and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

No. 56.

*Deposition of William C. Thayer.*

I, William C. Thayer, of Providence, Rhode Island, testify and say : That, in April, 1842, I was orderly sergeant of the United Independent Volunteers of Providence, an independent chartered company from the year 1794. I had previously been commander of the company for six years. In that month, immediately after the election under the people's constitution, and before Gov. Dorr was inaugurated, or had done any act as governor, an order was received from Gov. King, as commander-in-chief to the company, to hold themselves in readiness at thirty minutes' warning, and to report the condition and force of the company. The order was made known to the company, and report made accordingly. It was understood that all the military companies received a similar order about the same time. Subsequently, an order came to the volunteers to ascertain if we would support the charter government, and, if not, to return the arms. The company unanimously voted to support the people's constitution, believing that was the law of the land. After the 18th of May, the principal part of the arms were delivered up to Gen. Carrington, one of Gov. King's council. Subsequently, the charter legislature annulled the charter of the company without notice. The private property of the company was taken by charter troops, and has never been returned. The majority of the Cadet Company, as I was informed, and have no doubt, was in favor of the people's constitution. The minority for the charter government held a meeting, and admitted new members of their side, and then expelled the others, who would have been a majority. Of this fact I was informed by members of the company, and have no doubt ; similar changes, it is well known, were made in other companies.

WILLIAM C. THAYER.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 11, 1844.*

Personally appeared the above-named William C. Thayer, and made

oath to the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 57.

*Deposition of George S. Reid.*

I, George S. Reid, of Fall River, in the State of Massachusetts, carpenter, twenty eight years of age, testify and say : That I was enlisted at Detroit in 1839, and was in service as a United States soldier at Fort Adams, in Newport, Rhode Island, and was at that station from 1841 till the fall of 1843. I was then ordered to Fort Hamilton, and took my discharge in February, at the expiration of my term of service. About the time of the Chepatchet affair, or the Federal hill, and before I heard of any troops going there, orders were published at the fort, on parade, that company E, with detachments of companies A and B, were ordered from Forts Hamilton and Columbus, New York, to Fort Adams. This was the substance of the order. There was then at Fort Adams about the ordinary complement of men. Shortly after the order, the detachment arrived at the fort under Captain Marchant, of the United States army, who assumed the command at the fort as senior officer. Immediately after the troops were inspected, to see if their arms and accoutrements were in order for actual service, and all defective arms were supplied, and forty rounds of ball cartridges, with flints, were issued to each man ; also, haversacks for carrying rations to all who were deficient in them, and the men in all respects equipped for active service. Provisions for two days' rations were ordered to be cooked, and the cooking went on. They were kept in the cook room ready, but were not served out. We were daily inspected, to show that our arms and ammunition were in order, including the whole effective force. We were ordered, through the orderly sergeant, to hold ourselves in marching order to take the steanboat at any moment for Providence. During this time, Colonel Bankhead was frequently at the fort, and inspected the men at different times. It was distinctly understood by me, and I have no doubt, by the men generally, from the communications of the officers to the non commissioned officers, that we were to be ordered to Providence, for the purpose of acting with the charter troops against the suffrage men. The subject was much talked of among the soldiers, and there was a strong aversion to engage in such a service. The sympathies of the soldiers universally, as I believe, were on the other side. Powder in kegs was received at the fort from Newport, which was understood to be State ammunition, and was put in a magazine, and a sentry placed over it. This powder was taken away from time to time. Acting Ordnance Sergeant Boat told me that he had issued fixed ammunition for six pounders to the State Artillery company at Newport, and that musket cartridges had also been furnished to the militia. A cartridge here shown me is the same description that was served out to us at the fort. It is a United States cartridge, peculiar in the fold, and such as I never saw out of the United States service.



Sergeant Boat I left at Fort Hamilton, New York, where I understand he now is. A guard was detailed from Fort Adams to Fort Wolcott, in Newport harbor, which had previously been unoccupied. I carried my cartridges about three weeks, and then gave them in, and things subsided at the fort as they were before.

GEORGE S. REID.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 11, 1844.*

Personally appeared the above-named George S. Reid, and made oath to the foregoing, and subscribed the same, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 58.

*Deposition of Thomas Reid.*

I, Thomas Reid, of Cranston, in the State of Rhode Island, mechanic, forty-two years of age, depose and say: That I keep an umbrella and dry goods store in Providence, and in June, 1842, had my place of business in Providence. On Sunday, the 26th of June, 1842, I was in Providence, having brought my family to attend church, as usual. Coming down College street in the forenoon, I was hailed by Sylvester Hartshorn, United States marshal. He stopped me, and said he understood I had been talking to the soldiers on the hill, (meaning the charter troops on Benefit street,) and told me that "if I did not shut up my head, and keep my d—d tongue between my teeth, he would have me taken up in less than five minutes." He said I had been talking to the soldiers, and preaching the doctrine that all men were created equal, and that the sovereignty rested in the people, and they had a right to alter and new model their government whenever they saw fit. He said this was a damnable doctrine, and the cause of all our troubles. I had not been conversing with the soldiers, but with a friend on the sidewalk. I repeated to said Hartshorn the doctrine I maintained, and quoted, in proof, the sayings of Washington and Jefferson. He told me it was no time to have such talk over; and if I did not keep my tongue between my teeth, I should be committed.

When the charter troops returned from Acote's hill, I saw the prisoners marched through the streets tied together. Their arms were pinioned behind them with ropes passed from one man to the next, tying each platoon together from ten to twelve abreast. There were from one hundred to one hundred and fifty so tied, with files of soldiers on each side, and bodies in front and rear. There was a large military force, and there was no need, as I could see, for tying the prisoners. I had seen in Scotland a hundred and fifty French prisoners escorted by fifty British soldiers, but the prisoners were not tied or secured. The apparent object, as far as I could see, was to expose the prisoners to derision. They repeatedly halted, while

marching through the streets, and there was much exhibition of triumph. In the ranks of one of the charter companies I noticed Mr. Hartshorn, the United States marshal, marching with a musket.

THOMAS REID.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*

PAWTUCKET, *May 11, 1844.*

Personally appeared the above-named Thomas Reid, and made solemn affirmation, under the pains and penalties of perjury, that the foregoing, reduced to writing by me in his presence, and by him subscribed, is true. Before me,

B. F. HALLETT,  
*Commissioner, &c., and Justice of Peace  
through the Commonwealth.*

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No. 59.

*Deposition of Peter Norton.*

I, Peter Norton, of Providence, in the State of Rhode Island, drover, fifty years of age, depose and say: That on the 27th of June, 1842, I was a resident in Pawtuxet village, in the town of Cranston. On the morning of that day I was in my son-in-law's blacksmith shop, and was there seized by Remington Arnold, an inspector of customs at the port of Pawtuxet. Arnold was armed, and accompanied by other armed men, who appeared to be under his command. He seized me by the shoulder, with violence, appearing to be in a great rage, and ordering me to go with him. I asked him for his authority. He replied that he volunteered his services to arrest me for saying that I believed Thomas W. Dorr to be the legal governor of the State. He carried me to the quarters of the company, before the captain; and they charged me that I had been against them in party, and had favored the suffrage party. There was no pretence that I had done any unlawful act, except express my opinions. A two-horse lumber-wagon was then got, (which belonged to John B. Francis, now United States Senator,) into which I was put, with Arnold and eleven others, all armed, and driven to Providence, five miles. I was carried to the office of Henry L. Bowen; Arnold handed me over to the justice, and gave my name. The justice asked what the crime was. Arnold replied, "he says he believes that Dorr is the legal governor of the State." The justice called on me to answer; and I said I did think so, and I had not changed my mind. The justice then said, "that is enough." There was Mr. Holmes in prison for treason, and they would probably keep him there for twenty years. The justice said that if I could get some respectable persons to vouch for me as a good citizen, and would sign a paper that I would conform to their government, and the laws of their charter, then they would let me go. They called in Mr. Joseph Butler, who was a neighbor of mine, and one of their party; and after talking with him, they said that he advised to let me go. The justice, or some one in his presence, handed me a printed paper, and said, if I would sign that, I might go. I had not my spectacles, and told them I signed nothing I could

not see. Christopher Rhodes, of Pawtuxet, who knew me well, was called on, and was asked if I was a dangerous man. He said not; that I was a man he was not afraid to have come into his house, but that I had the most influence of any man in the place with the suffrage people, though I had done nothing; but he would not consent that I should go. This was the whole amount of the evidence against me. A guard was then brought, and I was marched off to prison, and remained there sixteen days. I was then carried before the commissioners' court; no charges were made, and I was discharged. On my way home, on foot, I was overtaken by Mr. William Rhodes, (brother of Christopher,) who said that Mr. Carrington had threatened my arrest again, because I had complained of my living in prison. Fearing I should again be imprisoned, the next day I left my family in Pawtuxet, and went out of the State. I was a farmer, and left my haying. After a few days' absence, I was informed by my son, from Mr. Rhodes, that I might come back; and I then returned. While I was in prison, my house was searched, as I was informed by my wife, but no arms were found. When I was first arrested, Peleg Aborn, surveyor of the port of Pawtuxet, was one of the guards at the headquarters; Elisha H. Rhodes, the United States boatman, was also one of the guard, and under arms. Arnold, since my discharge, has often boasted of what he did to arrest me, and defied me to make his conduct known at Washington. When I was arrested, I was unarmed, and had not used a musket or any deadly weapon for twenty years, and do not believe, under our government, it is necessary to resort to arms to settle political questions. I was a strong supporter of President Harrison, and know of no reason why I was arrested, except the opinion I expressed as to Governor Dorr. I voted for the people's constitution, but had not voted for Dorr for governor.

PETER NORTON.

COMMONWEALTH OF MASSACHUSETTS, *Bristol*, ss:

PAWTUCKET, *May 9, 1844.*

Personally appeared the above-named Peter Norton, and made oath to the foregoing, reduced to writing in his presence by me. Before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

No. 60.

*Deposition of Albion N. Olney.*

I, Albion N. Olney, of Providence, in the State of Rhode Island, attorney at law, depose and say: That on Sunday, the 26th day of June, 1842, I was on the premises of Otis Holmes, in said Providence, but not in his house, when he was forcibly dragged from it by a number of armed men, who had broken into his house. I also saw him carried through the streets, with a person holding him on each side by the collar, and armed men in front and rear. He was marched to the office of Henry L. Bowen. There were from twenty to thirty armed men, and many who were not armed.



I saw among the leaders Sylvester Hartshorn, the United States marshal for the district. He was not armed, having only a cane, but appeared to take an active part in the proceedings. I saw Mr. Holmes's brewery broken open, and also his store and counting-room, and another store adjoining. Mr. Holmes, in the house and at the brewery, begged them not to break in, and he would furnish the keys; but no attention was paid to his request. While the soldiers were marching Mr. Holmes through Westminster street, I heard Joseph F. Arnold, who was an inspector in the custom house, say to his son, (who, armed with a musket and fixed bayonet, marched directly in the rear of Mr. Holmes,) "Prick him, Frank; prick the d——d scoundrel." Mr. Arnold was standing in front of his house as the men passed, and said this in an audible voice. I heard and remember the words distinctly. On several days after I saw Sylvester Hartshorn, the United States marshal, equipped with a musket and accoutrements, drilling and doing duty with a volunteer company of citizens. On the 18th of May I saw Hon. John Pitman, judge of the United States district court, in the ranks of the charter troops, armed with a musket. During the period of martial law, I saw Edward J. Mallett, the Providence postmaster, doing duty as guard in College street. At the same time that I saw Judge Pitman in the ranks, I also saw Richard W. Greene, United States district attorney, marching as one of the soldiers to go on Federal hill, and William R. Watson, collector.

ALBION N. OLNEY.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 9, 1844.*

Personally appeared the above-named Albion N. Olney, and made oath to and subscribed the foregoing, reduced to writing in his presence by me. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 61.

*Deposition of Simeon Sherman, jr.*

I, Simeon Sherman, jr., of Providence, in the State of Rhode Island, bleacher, twenty-nine years of age, depose and say: On the day Mr. Otis Holmes was arrested, I was near his brewery. I saw the men who had arrested him break into the brewery. One of these men was Sylvester Hartshorn, the United States marshal of Rhode Island. I heard him say to the men, "Break the door down; the State will pay for all the damages." They then broke the door in, and went into the building. Mr. Hartshorn appeared to be at the head of the men; he was in citizen's dress, except the cockade on his hat, and had no arms. I also saw the men break into Mr. Holmes's store and counting-room. Mr. Hartshorn remained till they had searched the brewery. I do not know where he then went.

SIMEON SHERMAN, JR.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 9, 1844.*

Personally appeared the above named Simeon Sherman, jr., and made oath to and subscribed the foregoing, reduced to writing by me in his presence. Before me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 62.

*Deposition of Abel Oaks.*

I, Abel Oaks, of Providence, in the State of Rhode Island, drayman, forty-six years of age, depose and say: That between the 15th and 20th of June, 1842, I was applied to by General Edward Carrington, one of the governor's council, to go to James Eames's store in Westminster street, Providence, to take a load of musket-balls to the custom-house. The load was not ready when I got there, and I found that the load I was to take was boxes of musket-balls. I saw the balls put into the boxes, and, being in a hurry to get the load, assisted in doing so. I took in five boxes, which was all they had ready, and carried and left them at the custom house, at the north store door, where there was a quantity of military equipments and munitions of war, such as boxes of muskets, boxes such as muskets are usually packed in, boxes of carbines, cartridge boxes, belts, blankets, and other military stores. The boxes of muskets were marked, on some, "U. S. and Mass." There were fifteen or twenty boxes, I should think, of different sizes, for muskets, carbines, and cartridge boxes. On a number of the boxes were also marked, "Samuel Ames, quartermaster general, to the care of B. W. Comstock, master of transportation."

After this, (to wit, on Monday, the day on which Alexander Kelby was shot at Pawtucket,) I went with a team to the custom-house, at the request, I think, of Mr. Vincent Carr, of the firm of Richmond & Carr, merchants of Providence, who paid me for the job; and there took two boxes of carbines, and delivered them at the store of Richmond & Carr, in North Main street. I also took one other box from the custom-house to Carrington's block on Water street, which was known as the headquarters of the charter troops, or rather their depot for arms.

ABEL OAKS.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 3, 1844.*

Personally appeared the above-named Abel Oaks, and made oath to and subscribed the foregoing, reduced to writing in his presence, by me,

B. F. HALLETT,  
*Commissioner, and Justice of the Peace  
through the Commonwealth.*

No. 63.

*Deposition of William Coleman.*

I, William Coleman, of Providence, in the State of Rhode Island, mechanic, forty-four years of age, depose and say : That on Monday, the 27th of June, 1842, a file of soldiers came to my shop, under the command of Edward J. Mallett, postmaster of Providence. He told them to go in and search the building; which they did, and took out my training gun and bayonet, and delivered it to the said Mallett. Some six weeks after, he asked me if I was not coming up for my gun. He said it was in a room over his office; that he found he was likely to be responsible for the guns he had taken, and he had collected them, and got them in a room over the post office. I did not go for the gun, nor intend to; and some time after he sent a man with a new gun to me, which was not my gun, though of equal value. Mr. Mallett gave me no reason for searching my shop. There was none, except that my opinions were known to be on the suffrage side.

WILLIAM COLEMAN.

No. 64.

*Deposition of Stephen G. Coleman.*

I, Stephen G. Coleman, forty years of age, brother and co partner of William Coleman, testify and say : That I was present when the facts stated in the foregoing deposition of said William took place; which deposition has been read in my hearing, and know the same to be true. I also heard Mr. Mallett, when my brother had stepped one side, order the soldiers a second time, in a very emphatic manner, to search the building thoroughly.

STEPHEN G. COLEMAN.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*PAWTUCKET, *May 4, 1844.*

Then the above-named William Coleman and Stephen G. Coleman severally made oath to and subscribed the foregoing, which was reduced to writing by me in their presence.

B. F. HALLETT,  
*Commissioner, &c., and Justice of the Peace  
through the Commonwealth.*

No. 65.

*Deposition of John L. Johnson.*

I, John L. Johnson, of Providence, in the State of Rhode Island, mechanic, forty-three years of age, depose and say : That on or about the 21st of June, 1842, I saw a wagon standing at the custom-house, containing a number of kegs in crocus or canvass bags. A person named to me as Mr.



Dutee Greene had the wagon in charge, and delivered the kegs to General Edward Carrington, who received them in the north store of the custom-house. Mr. William P. Greene, a custom house officer, was present at the time of the delivery, and I asked him if it was customary to make a powder magazine of the custom-house. He replied that it was only going to stay there ten or fifteen minutes. The next day, about 4 o'clock in the afternoon, I came by, and the doors of this same store of the custom-house (which is under the same roof with the offices) were open. I saw General Carrington, with two muskets, going from the custom-house to Mr. Little's, opposite, a gunsmith. I looked into the store, and saw the kegs standing in the same place as the day before. There were numbers of loose muskets and musket boxes in the store, with cartridge boxes, belts, and other military stores. Samuel Ames, then quartermaster general of the charter troops, was in the store, moving a box which appeared to be a box of muskets, from the manner in which he moved it. About a week after this, I saw a box taken from the same room in the custom house, and which appeared to be a box of muskets, and put into a wagon, which I followed, and the wagon stopped at Webster's tavern, on Christian hill, in Providence, about a mile from the custom-house. I there examined the box, and found it contained muskets. On the side of the box was marked "Foster." The man who was with the wagon, as I was informed, was from Foster. About the 26th of June, (or the 27th, I think,) 1842, my house was entered and searched by Thomas Sekell, Caleb Borrows, Hiram Barker, and one other unknown. I asked for their authority, but they showed none. They were all armed with muskets; two of them kept guard in a room, while the others searched the house. They said their object was to find muskets and ammunition. I told them I had none, but they could find them at Mr. Rathbun's, my next-door neighbor. They said he was one of their men, and did not go there. They found nothing in my house. On Sunday, the 26th of June, 1842, while standing at the corner of Green street, in Providence, a body of about thirty soldiers came up, headed by Sylvester Hartshorn, the United States marshal. They placed a guard there; and a Mr. Bowman, who was with me, (and has since died,) asked Mr. Hartshorn what the matter was. His reply was, "Do you suppose I would tell you before that d——d rascal standing there?" (pointing to me.) Mr. Hartshorn passed on, with the rest of the soldiers, up to Jackson street, and set a guard there, and then went on to Mr. Otis Holmes's brewhouse. Soon after I saw them come back with Mr. Holmes—two persons having hold of him, and Mr. Hartshorn following directly behind.

JOHN L. JOHNSON.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 3, 1844.*

Then the above-named John L. Johnson, being duly cautioned and sworn, made oath to and subscribed the foregoing, reduced to writing by me in his presence.

B. F. HALLETT,  
*Commissioner, &c., and Justice of the Peace  
through the Commonwealth.*

No. 66.

*Deposition of William Haswell.*

I, William Haswell, of Providence, in the State of Rhode Island, shoemaker, forty years of age, depose and say: That about the 20th of June, 1842, before martial law was declared, I saw in the custom-house in Providence, in the north store, five boxes, such as are used to hold accoutrements, marked "U. S. A.," in large letters; one was also marked with ink "Samuel Ames, esq., quartermaster, Providence, R. I." This was soon after breakfast. At noon, returning from my work, I again saw the boxes. They were then all in the building. In the morning two were outside the door, as if just landed. A man was then taking cartridge boxes out of one of the boxes in the building. It was a cartridge box with broad white belt, brass mounted with "U. S. I.," or "U. S. infantry," on the back; they were taking them out and hanging them up.

WILLIAM HASWELL.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*PAWTUCKET, *May 3, 1844.*

Personally appeared the above named William Haswell, and, being duly cautioned and sworn, made and subscribed the foregoing, reduced to writing in his presence by me,

B. F. HALLETT,

*Commissioner, &c., and Justice of the Peace  
through the Commonwealth.*

No. 67.

*Deposition of Thomas Greene.*

I, Thomas Greene, of Providence, in the State of Rhode Island, thirty-one years of age, mechanic, depose and say: That on Monday following the declaration of martial law, a file of soldiers came to my house in my absence, as my wife informed me, and took away my training-gun, and searched the house throughout. I did not know who these persons were. I went to the mayor, and complained of what they had done, and wanted to know how I should get back my gun, and get redress. He told me to go to General Carrington, which I did; and he referred me to Captain Shaw, of the Third Ward Volunteers, who seemed to know nothing about it. I was a freeholder, and was a voter under the charter. About six weeks or two months after this, I saw Edward J. Mallett, the postmaster of Providence, who asked me to go into his room over the post office; which I did. There were three or four guns there, one of which he said was mine, and that under martial law he had gone into my house and taken the gun. He said we had been political friends, and he wanted to take good care of my gun, for fear it might be lost. I asked him by what authority he had searched my house? And he said he had acted under authority of the government, and had the command of the men that searched my house. He requested me to take the gun home; which I declined, stating, that if it was taken ac-

according to law and order, it must be returned according to law and order. I asked him how the gun came to be in his possession, if he took it under the authority of the Rhode Island government? which he explained no further than as above—that he took it to take good care of it, to prevent its being lost. He said he would send it to my house; which I declined, telling him I did not wish to subject my house to another search. There was a good deal of conversation, but the above is the substance of it. About a fortnight after this—just after dinner—I saw Mr. Mallett in my parlor with a gun, which he set up by the window, and said “there is your gun.” I told him I could not receive it; he said he could not help it, and immediately left the house. My wife, who was present, said it was the same man who had taken the gun from the house when it was searched.

THOMAS GREENE.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss :*

PAWTUCKET, *May 4, 1844.*

Personally appeared the above-named Thomas Greene; and, being duly cautioned and sworn, made and subscribed the foregoing, reduced to writing by me in his presence.

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 68.

*Deposition of Isaiah Barney.*

I, Isaiah Barney, of Providence, trader, depose and say: That on the 18th of May, 1842, after it was understood there was a compromise, and the troops had left Federal hill, Sylvester Hartshorn, United States marshal, came into my store. There was a gun behind the door, which belonged to Lyman A. Taft, of Smithfield, who was present. Mr. Hartshorn questioned him, and he said he had been on Federal hill. He then took the gun, and carried it off. In the afternoon I met Mr. Hartshorn, and asked him if his office was such that it made it his duty to take that gun without any process? He said it was; and told me I did well not to interfere. There was then no martial law.

I saw the troops when they brought the prisoners into Providence. They were tied together, as is described by Henry Lord in his deposition. I saw him among them. They were paraded on the great bridge at the market-place, and kept there about three-quarters of an hour.

ISAIAH BARNEY.



No. 69.

*Deposition of Lyman A. Taft.*

I, Lyman A. Taft, of Smithfield, in the State of Rhode Island, depose and say: That the above statement which has been read to me, so far as it relates to the taking of my gun by Sylvester Hartshorn, is true. Mr. Hartshorn took me with the gun, and carried me to the hall over the market, but did not take me in, and there left me. Afterwards I saw him, and asked him by what authority he took my gun. He replied, by the authority of the United States. I asked him if the United States did not authorize every man to keep arms? He said it did, but not in a case of insurrection. I told him I did not consider it an insurrection; I was sent for by the governor. He asked, Governor who? I said Governor Dorr. He replied, Dorr is not governor, but a rebel. Afterwards he returned the gun to me, but made no explanation.

LYMAN A. TAF'T.

COMMONWEALTH OF MASSACHUSETTS, *Bristol, ss:*PAWTUCKET, *May 11, 1844.*

Personally appeared the above-named Isaiah Barney and Lyman A. Taft, and severally made oath to the foregoing, and subscribed the same, reduced to writing by me in their presence. Before me,

B. F. HALLETT,

*Commissioner, and Justice of the Peace  
through the Commonwealth.*

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No. 70.*Deposition of Jedediah Sprague.*

I, Jedediah Sprague, of Glocester, in the county of Providence, State of Rhode Island and Providence Plantations, aged forty years, do depose and say: That I now am, and have, for the space of about four and a half years past, been the innholder of the Chepatchet Hotel in said town of Glocester; that I was the keeper of said hotel in June, A. D. 1842, at the time of the encampment of the suffrage party, or a portion thereof, on Acote's hill, near said village of Chepatchet. On Thursday, June 23d, 1842, late in the afternoon, the suffrage people aforementioned commenced encamping on said hill; early Saturday morning following, (to wit, the 25th of June,) Gov. Dorr arrived and took rooms in my house. Two or three days previous to said 23d of June, persons known to be in the interest of the charter party, (so called,) and hostile to the suffrage party, were reconnoitring this section of the State, both in the day and night time. Tuesday and Wednesday evenings, the 21st and 22d of June, 1842, expresses arrived from Providence, bringing the intelligence that armed companies were forming in Providence for the purpose of making an attack on the village of Chepatchet; in consequence of this information, a portion of the citizens of said village, together with a few persons from other towns, formed a patrol to watch and protect the place. On Wednesday night aforesaid, (which was the first night of

the streets being generally guarded,) information was received that large numbers of persons had passed the turnpike gate, about four miles east of this village, on the direct road to Providence, who were approaching the village at about 12 o'clock at night, which is an unusual time for travellers to be on the roads in this part of the country. About 1 o'clock on the morning of Thursday, the 23d June aforesaid, Messrs. Shelley, Keep, Harris, and Peckham were apprehended, all armed with pistols; about which time, several carriages, apparently approaching from towards Providence, hastily turned off from the main or turnpike road, some eighty or one hundred rods below. The persons taken by the patrol aforesaid were supposed to be an advance guard of the company, which, from the intelligence received, it was expected would attack the village; and it was supposed that the discharge of cannon which took place in the village immediately after the arrest of said persons deterred others from entering the village. It being believed that the village of Chepachet would not be strong enough to hold out against any considerable number of armed men or strong force, the persons apprehended were marched, with said company of patrol, to Woonsocket, where said Shelley, Keep, Harris, and Peckham were discharged. On Thursday, the 23d aforesaid, said patrol returned, accompanied by a part of two military companies from Woonsocket, and commenced the encampment on Acote's hill, as before stated. Said Acote's hill was in possession of the suffrage party, as aforesaid, until the afternoon of Monday, June 27th. During the occupancy of said hill and the village, the suffrage people were quiet, orderly, and peaceable, and the personal rights of the citizens were respected. On Saturday morning, the 25th of June, the bar of my house, where liquors were sold, was by me, at the request of Gov. Dorr, closed, and remained so until Tuesday morning, the 28th. On the afternoon of Monday, the 27th, the military on Acote's hill disbanded, and nearly all of them quietly retired from the village. An express started from my house on Monday afternoon, bearing a communication from Gov. Dorr to Walter S. Burges, esq., of Providence, acquainting said Burges with the fact that the forces on Acote's hill were to be disbanded, and requesting said communication to be published in the *Express*, the organ of the suffrage party, published in Providence.

About 7 o'clock, (according to the best of my recollection,) on the morning of Tuesday, June 28th, the advance guard of Col. Brown's regiment arrived at my house in carriages, under the command, as I understood at the time, of Lieut. John T. Pitman, (clerk of the United States court for the district of Rhode Island,) who was well known to me at that time, and for several years previous. There were in my house at the time said advance guard arrived, only eight male persons, besides my own family and domestics, three of whom were gentlemen from Boston, who had arrived that morning; one gentleman from Long Island, and three persons with him, who had stopped with me over night as travellers, and who had not, to my knowledge, had anything to do with the matters at that time agitating the State; and a Mr. Lyman Cooley, who had left the village the night before, and had returned that morning to my house, through fear, as he stated, that he could not make his escape. Said Cooley was from New York city; was taken prisoner in my house that morning; imprisoned in the county jail and State's prison in Providence in a state of insanity, and soon after died an inmate of the asylum for the poor in said Providence. Mr. Cooley was formerly a Providence man. I considered him to be in a state of insanity from

his appearance and conversation on the morning of the 23th, before he was taken prisoner. None of the persons in my house, at the time of the arrival of the advance guard as aforesaid, were, to my knowledge, in any way armed; there was no such instrument as a musket, gun, pistol, sword, or the like, to be seen in said house. As said advance guard drove up in front of my house in carriages, the citizens of the village soon collected in the front piazza, and about the doors, to the number of ten or a dozen, which number gradually increased for a few minutes; none of whom were, to my knowledge, armed. I was standing on the piazza in front of the entry door leading to the bar-room; the persons comprising said advance guard having alighted from their carriages, came along scatteringly, and advancing towards me. I observed one shaking hands with Mr. Alexander Eddy, a citizen of this place; heard them in conversation while approaching the spot where I was standing. As they came on to the piazza, I, turning partly around, invited them to walk in; they not heeding my invitation, I repeated it. At this juncture they all stood apparently hesitating what course to take. I stepped over the threshold of the door, and again invited them to walk in. At the last invitation, one of the advance guard placed his musket across the door afore alluded to, in the act of guarding it. Mr. Alexander Eddy at that moment attempted to pass in at the door, and the guard dropped the muzzle of his gun to prevent him from passing in; the guard then turned his left eye over his left shoulder to the street, and whilst he was looking to the street, Eddy raised the muzzle of said guard's musket, and passed into the entry. When said person who was guarding the door as aforesaid turned his face fronting the house, and saw Eddy in the entry, he brought his musket to bear upon him, (said Eddy,) and, calling him a God damned rascal, told him to come out, or he would shoot him down. At this time there was a general cry amongst the persons of the advance guard—"God damn 'em, shoot 'em down," and simultaneously a rush for the doorway. I was standing near the person who first brought his piece to bear upon Eddy, and raised the muzzle above the head of any one in the entry, by putting my hand under his gun.

There was a general rush at this time of the armed soldiers and unarmed citizens and spectators for the doorway, and the entry was immediately filled with both classes—the armed soldiers attempting to shoot the unarmed, and continually keeping up the cry of "*God damn 'em, shoot 'em down.*" I was in the midst of the scene, and was continually raising and brushing off the muskets, pistols, carbines, &c., with which they were armed; commanding them not to shoot; telling them they were not resisted by any armed force; stating to them that they produced the whole confusion and disorder, and that if they would be quiet, order would be restored; that I could and would maintain order in my house. I should think that, during this confusion, I brushed from my own person, and other unarmed persons, muskets, guns, pistols, and the like, as much as a dozen times. During the squabble aforementioned, I was pushed some seven or eight feet from the doorway into the entry, into about the midst of the crowd. In the mean time the door was pushed to, and locked by an unarmed man, and held by unarmed persons; the armed persons on the outside attempted to break said door down. Knowing that the unarmed persons in the entry could at that time protect themselves against those that were armed, I passed through the bar-room from said entry, and went on to the piazza outside of the house, through one of the bar room windows, thinking I might be ser-



viceable in preventing mischief on the outside. As I passed the first bar-room window from the entry, in my attempt to get outside, some one of the soldiers thrust a pistol through a pane of glass in said window, directed or aimed at me ; I passed to the next window, raised it, and went out. Being outside, and on the piazza aforesaid, the first thing that attracted my attention was said John T. Pitman with the muzzle of his musket or carbine at the key-hole of said entry door, and attempting to get it off. I was within about fifteen feet of said Pitman when I alighted from the window, and immediately approached him, and ordered him not to fire ; my language was, "*For God's sake, don't you fire in there.*" This expression I think I made directly as I alighted from the window as aforesaid. I intended, if I could, to prevent said Pitman from firing in, and approached him for that purpose ; but his piece was discharged when I was within about three feet of him. I recollect said Pitman's language at the time of firing was, "*I don't care a God damn ; I mean to kill somebody.*" After said Pitman had discharged his piece as aforesaid, he rushed a few steps to the north, on the piazza, and then back towards the door, rapidly, appearing perfectly frantic, infuriated, and fiendish. About this time the main body of Colonel Brown's regiment were in sight, and such as had arrived proceeded to surround the house. I entered the front door, which is about twenty feet north of the one aforementioned, passed through one of the front rooms into the aforementioned entry, and unlocked the door through which said Pitman had discharged his piece. The ball which was fired through the key hole as aforesaid, passed through the thigh of Mr. George H. N. Bardine, making a deep and severe flesh wound. Said Bardine was at the time in said entry, and near the door. Up to this time I heard no other discharge of fire-arms near or about my house, and am very positive there had been none ; had there been any, I must have heard and known it. In a very few minutes my house was completely filled with armed men, and was entirely in their possession — every door guarded by soldiers. Soon after, or about the time the matters just spoken of were transpiring, I retired into the back part of the house, and discovered a soldier standing at one of the back doors with his musket cocked and bayonet fixed, and aimed into the house, and ordering the males and females to march into the back yard, one at a time. This, however, was abandoned by my assuring them that the ladies were unarmed, and would most certainly do no harm to any of them. The soldiers who took possession of my house were abusive and rough in their language and behavior, from the time they entered as aforesaid, during my continuance on the premises, which was up to 4 o'clock, p. m., of Wednesday the 29th. This I do not mean to apply to all of them ; but it was the fact with very many. They took possession of every room in the house, and of all my effects, and ransacked from garret to cellar. There were neither arms nor munitions of war in the house, to my knowledge, at the time, except a small bird-gun or fowling-piece, which was taken and carried off. Soon after the main body of Colonel Brown's regiment arrived, about half a dozen pieces of cannon were planted on the south and west sides of my house, and aimed towards it. They (that is, the soldiers) swore they would "blow us all to hell." They were prevailed upon not to fire into the house, by the interposition of two of the citizens of the village, who informed them that they were for "*law and order,*" but disapproved of their firing into the house. The guns were afterwards wheeled about, and fired a number of times, to the great destruction of windows in my house, and of other houses in the

immediate vicinity. There are side lights to the door, (through the key-hole of which said Pitman discharged his piece,) with glass 9 by 12, through which he might easily see everything which was going on in the entry aforesaid, there being four lights on each side of said door, of the aforementioned size; and the aforementioned front door, about 20 feet further north on said piazza, was open during the aforementioned squabble in the entry. Nothing prevented any one, if he chose, from passing through said lastmentioned door.

About sunrise on the morning of Tuesday, the 28th, I directed my domestics to set the table the whole length of the dining-room, (one range of tables in said room will accommodate about sixty persons at a time,) and to put upon it all the victuals it would hold, and to be prepared to supply it as soon as need might require it; all of which was accordingly done. Immediately after the arrival of the troops, as aforesaid, the table aforesaid was filled, and continued to be filled from the time of their arrival in the morning, until between 4 and 5 o'clock in the afternoon; as fast as one got up, another would supply the vacant place. In addition to those seated at the table eating, others were standing and eating victuals, which they took and had reached to them from the table.

There were also persons in the kitchen when the cooking was going on, who were taking victuals as the same were cooked, and others helping themselves from the closets and cellar. The table was also set for them again that evening, and a great many were victualed as aforesaid on the two succeeding days.

In taking possession of my barns, stables, and granary, they took possession of about twenty tons of hay, between eight hundred and one thousand bushels of oats, and from fifty to seventy five bushels of corn, and between one and two tons of rye straw; all of which was used and destroyed, with the exception of something less than one ton of hay. They also took possession of six horses at that time in the stable, five or six carriages, and as many harnesses, buffalo robes, and whips; five of the horses were used, and I believe the other one, by the charter party (so called;) two of said harnesses have never been returned; four of the buffalo robes, and some half dozen or more of whips which were taken, have not, as yet, been recovered. During the Tuesday and Wednesday aforementioned, up to the time of my departure from the village, my house, barns, &c., were constantly guarded, and I was denied access to my barns and stables, and to many of the rooms in my house.

The troops of the charter party (so called) also had full possession of my liquor bar and cellar, and helped themselves to cigars, wines, and ardent spirits, according to their pleasure; several hundred dollars worth of property was consumed or destroyed in liquors and cigars. I was generally a spectator to the scenes before described, after they had taken possession of my house; but was occasionally ordered about, at the muzzle of a presented musket or pistol, to perform some service about the house or bar. One man in two instances ordered me, in an authoritative tone, with a pistol presented at me, "to feed his horses;" previous to this, all of the white males in my employ had been taken prisoners, and put under guard.

On Wednesday morning, the 29th, my wife and the females in the kitchen were put under guard, and set to work cooking; said guard was armed. Immediately after this, I was taken prisoner, but was released on parole

with my promise to be in Providence at 6 o'clock, p. m., of that day. I was arrested by Colonel W. W. Brown aforementioned, soon after which he left the village with between one and two hundred prisoners who had been taken at Chepachet and the country round about. I saw said prisoners tied together in front of my house, with ropes, previous to their departure for Providence. An hour or two after my arrest, and after the departure of Colonel Brown with the prisoners, ex governor Wm. C. Gibbs sent for me to come to his room, which was in my house, when he gave me an examination as to my participation in the Rhode Island affairs; and the following is a true copy of an instrument thereupon given to me, which was in my presence written by the Reverend Francis Vinton, of Newport, and in my presence signed by said Gibbs; which instrument is now in my possession, and at this time before me, and is exactly in the following letters, words, and figures :

"Jedediah Sprague (after due examination) is hereby released from arrest.

"WM. C. GIBBS,  
"General of Staff.

"JUNE 29, 1842."

Having pledged myself to Colonel Brown to be in Providence at 6 o'clock in the afternoon, I, notwithstanding the release from Governor Gibbs, went into Providence to report myself according to promise, having with me said discharge from Governor Gibbs. I understood, after I arrived at Providence, that there was talk of having me again arrested. On inquiry by me, Who is going to have me arrested? the reply was, Henry L. Bowen. I exhibited my discharge or release to Governor Samuel Ward King, stating to him that I was threatened with another arrest. His reply was, in regard to the release which I had exhibited to him, "*I don't know but what it is sufficient—don't know about it—don't know.*" I then went to the office of Henry L. Bowen, esq., a justice of the peace in and for the city of Providence. I went voluntarily, not having been arrested or apprehended, saving by Colonel Brown, as aforesaid. I understood that said Bowen was acting as a commissioner under martial law. He asked me a number of questions, which I answered; no witnesses were examined. Mr. Bowen finally ordered a constable in attendance to take me to prison; which was accordingly done. Said Bowen stated to me, at the time, upon my inquiring what the charge was against me, that "it was treason," and "that the evidence was, that I had entertained at my house Thomas W. Dorr, and the persons associated with him." I remained in prison twenty-two days, and suffered much from indisposition; I was in feeble health when committed—was just recovering from a long period of illness. After I had been in prison about two weeks, I was taken before a court of commissioners, as it was styled, and examined by interrogatories directed to me only. I was not confronted by witnesses, nor were any examined on the occasion, to my knowledge. After the examination as aforesaid, I was remanded to prison.

The following is a true copy of certain papers now before me, which I procured this spring from the keeper of the county jail and warden of the State's prison, and are exactly in the following words, letters, figures, and characters, to wit :



*To the Keeper of the Providence county jail:*

You are hereby required to receive, and safely keep, until further orders, Jedediah Sprague, in the debtors' apartment.

By order of the commander-in-chief.

HENRY L. BOWEN.

PROVIDENCE, ss:

JUNE 29, 1842.

Committed the *bodies* of the within named Jedediah Sprague, to the Providence county jail, as within commanded.

Fees, 74 cts.

PELEG JOHNSON, *Constable*.

PROVIDENCE ss:

JUNE 29, 1842.

Committed the bodies of Jedediah Sprague and Joseph Hogans to the Providence county jail, by order of the governor and council, and have made my return on the mittimus, and left it with the jailer, together with the prisoner.

Fees—

2 Commitments	-	-	-	-	-	-	-	\$1 48
Carriage	-	-	-	-	-	-	-	1 00
								<u>2 48</u>

PELEG JOHNSON, *Constable*.

PROVIDENCE, July 21, 1842.

Jedediah Sprague, named opposite, was discharged on an order from the governor and council.

THOMAS CLEVELAND, *Jailer*.

HEADQUARTERS, COUNCIL CHAMBER,  
Providence, July 21, 1842.

SIR: You are ordered to discharge Jedediah Sprague, prisoner of war, and allow him to go at liberty.

By order of his excellency Samuel W. King:

L. H. ARNOLD,  
*One of his council.*

TO THOS. CLEVELAND, Esq.,  
*Keeper of the State jail, Providence.*

The above is a true copy of the original order on file.

THOS. CLEVELAND, *Jailer*.

PROVIDENCE, April 6, 1844.

APRIL 6, 1844.

The above are correct copies of the original order of commitment, officer's return thereon, commitment and discharge of Jedediah Sprague.

THOMAS CLEVELAND, *Jailer*.

I further depose and say, that at the January session of the General Assembly of said State, A. D. 1844, at Providence aforesaid, at the suggestion of some of the members of said body, who are of the self-styled law and order portion, and also at the suggestion of other members of said party, I presented a bill against the State, for provisions eaten, liquors drank, hay, corn, oats, meal, and rye-straw, fed out and carried away, or wasted; also for cigars taken, use of house and beds, spoiliations of property, and damage done, all particularized—amounting to the sum of \$2,546 89. Said bill was referred to a select committee, and was supported by numerous affidavits of persons best acquainted with the facts and circumstances.

The committee to whom the matter was referred could not agree as to the amount due on said bill, as appears from the report of the proceedings and debates of the House on the subject, in the Providence Daily Journal of Thursday, February 15, 1844. The House of Representatives finally voted not to allow me one cent of my claim, by a vote of 35 to 17. The ground of opposition to said claim, taken by some of the members, as they are reported as aforesaid, was, that I was an insurgent, had been let out of prison on sufferance, and ought to be thankful for being let off so easily; that there was not in my house, on the arrival of the charter forces, provision enough to bait a rat-trap; that what provision, if any, there was on hand, fell into the hands of the charter forces on the capture of the house, and was forfeited to the State, on the principle that “to the victor belong the spoils.”

I further say, that it appears to me that I have been selected by a portion of the charter party as a victim for plunder, inasmuch as large bills or demands against the State have, in many, if not all, instances been allowed of a like nature; as the proceedings of the legislature of the State, and the reports of the general treasurer for the last two years, will abundantly show.

JEDEDIAH SPRAGUE.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*Providence, ss:*

GLOCESTER, May 16, 1844.

Then personally appeared before me the above-named Jedediah Sprague, and declared the foregoing statements, which were by me in his presence reduced to writing, and by him subscribed in my presence, to be true in all their parts; and also declared his willingness and readiness to make oath to the same. But there being some doubts of the authority of a magistrate in this State to administer an oath in like cases, I have taken his declaration, as afore appears; and I certify that said Jedediah Sprague, who is well known to me, is a credible person, and that his statements are entitled to full credit and belief.

JESSE S. TOURTELLOT,  
*Justice of the Peace.*

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No. 71.

*Deposition of Clovis H. Bowen.*

I, Clovis H. Bowen, of Glocester, in the county of Providence, State of

Rhode Island and Providence Plantations, aged forty three years, do depose and say: That I now am a citizen of the village of Chepatchet, in said town of Gloucester, which is my native place. On the 28th day of June, A. D. 1842, early in the morning, I went on to Acote's hill, near said village, out of mere curiosity; the suffrage people, who had for a number of days previous had possession of said hill, having retired on Monday afternoon and evening, the 27th. I found on said hill, on said morning of Tuesday, the 28th, (say) ten or twelve men, and probably from fifteen to twenty boys, not any of whom were armed, all apparently occupied in viewing the charter forces, who were approaching from towards Providence. I had been on said hill, I should think, about half an hour, when ten or twelve men, apparently under the command of George Rivers, esq., came on; they were somewhat in advance of the main body. Said Rivers called upon every one to stand, as they should fire upon or shoot down any one who attempted to leave; very soon after this order, the boys began to scatter and run off the hill, and the troops commenced firing in the direction which they ran—but whether with an intention of killing, or not, I cannot say. While this was transpiring, I moved off in another direction, (without being observed, I presume,) and came into the village by a circuitous route. As I was approaching the main street of the village, I met George H. N. Bardine, bleeding from a wound in the thigh, which I was informed at the time he had received at Sprague's hotel. Said Bardine was taken to the house of Lawton Owen in said village, where he remained until he had recovered sufficiently to be removed to his own house, about two miles from said village. The suffrage people having left the village on the previous evening, Mr. Bardine had come down out of curiosity, as he told me; he further stated, that he had not participated in any of the movements, further than giving his vote; and I believe it has never been pretended that he had.

Subsequent to the wounding of Bardine, and other matters afore stated, on said morning of the 28th of June, as I was standing in my office, I saw a number of armed men running across the lots west of said main street, apparently having an object in view to shoot at, and crying out in a loud tone, "Stop, or we'll shoot you;" and others in the street vociferating "Shoot the damned scoundrel." These shouts were thickly interspersed with discharges of muskets, one of which took effect in the object pursued, viz: in the leg of a young man, whose name was Simmons, as I was informed. The other principal incidents of the day, (to wit, the 28th,) were the making arrests under *martial law*; breaking into and searching the dwellings, stores, and other buildings of suffrage men. What amount of plunder was carried off from said village, I am unable to state, but have no doubt it was large. I could see from my office, and did see, the soldiers of the charter army coming out of buildings with various kinds of property, which I have no reason to doubt was carried off. In addition to this, I should infer, from conversation which I heard, that there was an anxiety amongst some of the companies to outdo others in acquiring spoils. At one time during said day, there were some eight or twelve of said soldiers of the charter army in my office, all of whom were strangers to me; one of them said to another, "The Bristol company has made a good haul." On another one's inquiring what, he replied, "they have got hold of a valuable lot of property; one gun," said he, "amongst it is worth forty dollars; a beautiful double-barreled fowling piece, silver mounted;" and added, "they (the Bristol company,) will beat the Newport company all out in getting property, and



were going to make a damned good speculation of the matter." I further say, that when the charter forces took possession of Acote's hill, there was no one of the suffrage party there, making or offering resistance; the small arms had all been cleared from the place, and the cannon had been discharged before they came up; there were not so many persons in the village that morning as the usual number of inhabitants, and all was as quiet as at ordinary times.

CLOVIS H. BOWEN.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*Providence, ss:*

GLOCESTER, *May 17, 1844.*

Then personally appeared before me the above-named Clovis H. Bowen, and declared the foregoing declaration, which was by me in his presence reduced to writing, and by him subscribed in my presence, to be true in all its parts; and also declared his willingness and readiness to make oath to the same. But there being some doubts of the authority of a magistrate in this State to administer an oath in like cases, I have taken his declaration, as afore appears; and I certify that said Clovis H. Bowen, who is well known to me, is a credible person, and that his statements are entitled to full credit and belief.

JESSE S. FOURTELLOT,

*Justice of the Peace.*

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No. 72.

*Deposition of Ara Hawkins.*

I, Ara Hawkins, of Glocester, in the county of Providence, State of Rhode Island and Providence Plantations, aged fifty-two years, do depose and say: That on the morning of Tuesday, June 28, 1842, I, with two of my sons, were engaged in hoeing opposite my house, which is about one mile southerly of the village of Chepatchet, in a lot adjoining the highway, when a detachment of the charter troops came up on said road, on their march to Chepatchet, from a place commonly known as Scituate Four Corners.

When said troops had arrived within about thirty rods of my house aforesaid, they made a halt, and sent two or three armed men to see me. Easterly of my house, and in plain sight of the place where the troops halted as aforesaid, one of my neighbors had recently been engaged in making charcoal; and there was on the lot a cabin, such as is commonly built for the quarters of the person who tends the pits, and a number of bins of coal. Coal-bins are generally made of common fencing rails, in the form of the body of a log house, twelve feet square.

The men who had been sent to see me inquired whether Dorr's party had got any cabins built out there? I replied, "Not as I know of." One of them then said, if there was any, I ought to know it. One of my sons then suggested that they probably referred to the cabins where Mr. Phetteplace had been making coal. One of the armed men then inquired how many

cabins would be built for that purpose? I replied, "Not but one, probably, as the pits were all near together." His reply was, "There is more than (or as much as) a dozen of them," and desired me to go with them and see. I went with these men to the place where the main body had halted, and in the mean time other men were sent down to question my sons upon the subject. When I came up to the main body as aforesaid, I explained to them that the objects which had apparently filled their minds with so much consternation were mere bins built as aforesaid, and contained the very simple and common article "charcoal." The men who had been sent to question my sons as aforesaid, were then called back; and the troops marched down and halted opposite the house, in the highway.

After arriving at my house as aforesaid, they wished to know if there were any men in the barn, which is across the road, and nearly opposite the house aforesaid. My answer was, "I presume not; there was no one there this morning when I went in to fodder, and I have been at work all the morning near by, and have seen no one go in." My answer did not seem to satisfy them: they desired to see for themselves; and, accordingly, I went in, at their request, with one of the men. This man proceeded to make a close search for something buried in the hay, by thrusting his bayonet into the mow in various places. He, however, succeeded in stabbing nothing but one beam, which he did very spitefully—thinking, as I supposed, that he had found a Dorrite. The mow was a little higher in this place, on account of said beam, which was entirely covered up with hay. At the east end of the barn, which is the end next to the road, there was an open window, through which I was seen by the soldiers in the road, as I stood there awaiting the operations of the man inside. One of the soldiers seeing me as aforesaid, brought his musket to bear upon me, and ordered me to come out of "there." I desired the man inside to speak to the soldier, and request him to take his gun down; but he paid no attention to my request. By this time, two more of the soldiers were taking deliberate aim at my person, through said window; and the cry from others was, "fire." Believing myself to be in too much danger, and without any protection, I dropped down upon the hay; thus covering my body by the side of the barn under said window, where I sat with my legs hanging off of the scaffold over the stalls, where I could be seen as soon as they entered the barn. I made no attempt to get away. One of the men immediately came into the barn, and endeavored to haul me off the scaffold; but not succeeding, he clasped my legs with one arm, and with the other presented a pistol, and commanded me to come down; which I did accordingly. He then seized me by the collar, and led me out doors, saying, "Here he is, you can have him now."

The person who appeared to be in command said he wished to ask me a few questions. I told him I would answer them as far as I could. I had done nothing that I was ashamed of or regretted. He questioned me in regard to the amount and number of Dorri's forces. I answered according to the best of my information. He also wished to know if I had been troubled by them (Dorri's men.) I told him I had not; that I had not been molested by any one, until his company came up; that I had been in the village every day, and had been well treated at all times. I further say that I had taken no part in the matters at that time agitating said State, excepting to cast my vote according to my own pleasure.

ARA HAWKINS.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*Providence, ss :*GLOCESTER, *May 18, 1844.*

Then personally appeared the above-named Ara Hawkins, and declared that the foregoing statement, which was by me in his presence reduced to writing, and by him subscribed in my presence, is true in all its parts ; and also declared his willingness and readiness to make oath to the same. But there being some doubt as to the authority of a magistrate in this State to administer an oath in like cases, I have taken said Hawkins's declaration as above; and I certify that said Hawkins, who is well known to me, is a credible person, and that his statements are entitled to full credit and belief.

JESSE S. TOURTELLOT,

*Justice of the Peace.*



## No. 73.

*Vote on the question of the adoption of the people's constitution, December, 1841, as counted by the committee.*

Towns.	For the constitution.		Against the constitution.		Total.	Proxy votes.
	Freemen.	Non-free-men.	Freemen.	Non-free-men.		
Barrington -	28	24	-	-	52	21
Burrillville -	134	149	-	-	283	79
Charlestown -	49	51	-	-	100	12
Bristol -	149	211	-	-	360	96
Coventry -	155	250	-	-	405	162
Cranston -	167	234	-	-	401	113
Cumberland -	295	597	-	-	892	190
Exeter -	52	82	-	-	134	67
East Greenwich -	50	85	6	-	141	37
Foster -	124	113	-	-	237	55
Glocester -	193	208	-	-	401	157
Hopkinton -	83	79	11	2	175	68
Jamestown -	18	13	-	-	31	6
Johnston -	142	206	-	-	348	104
Little Compton -	19	25	17	4	65	14
Middletown -	8	22	-	-	30	13
New Shoreham -	102	30	-	-	132	
North Kingstown -	81	170	-	-	251	102
North Providence -	224	479	-	-	703	198
Newport -	318	885	-	-	1,203	262
Portsmouth -	67	59	-	-	126	59
Providence -	1,057	2,495	-	-	3,552	610
Richmond -	45	88	-	-	103	47
Scituate -	208	316	-	-	524	227
Smithfield -	381	945	1	-	1,327	449
South Kingstown -	140	146	-	-	286	91
Tiverton -	101	173	3	-	277	131
Warren -	103	106	-	1	210	43
Warwick -	308	592	-	-	900	256
West Greenwich -	17	45	-	-	62	17
Westerly -	107	144	1	-	252	76
	4,923	9,026	39	7	13,955	3,762

No. 74.

*Suffrage ballot.*

1,\* [*Edwin Wilbour*,] am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in the State of Rhode Island. I am† [*not*] qualified to vote under the existing laws of this State. I vote against the constitution formed by the convention of the people assembled in Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

*Reasons.*

1. Because the word "white" is in it.
- 2.
- 3.

No. 75.

*Copies of the votes of ex-Senator William Sprague, George B. Holmes, Henry G. Mumford, and Stephen Branch, for the people's constitution. Those gentlemen are now among the most violent persecutors of the suffrage party.*

1776.

[ *Eagle.* ]

1841.

*Adoption of the constitution of Rhode Island.*

## PEOPLE'S TICKET.

I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am qualified to vote under the existing laws of this State.

I vote for the constitution formed by the convention of the people assembled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

WILLIAM SPRAGUE.

[This vote was given in Warwick.]

1776.

[ *Eagle.* ]

1841.

*Adoption of the constitution of Rhode Island.*

## PEOPLE'S TICKET.

I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am qualified to vote under the existing laws of this State.

I vote for the constitution formed by the convention of the people assem-

\* Write your name in this place.

† Write the word *not*, if you are not a voter.

bled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

GEORGE B. HOLMES.

[This vote was given in the fifth ward of the city of Providence.]

1776.

[ *Eagle.* ]

1841.

*Adoption of the constitution of Rhode Island.*

PEOPLE'S TICKET.

I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am qualified to vote under the existing laws of this State.

I vote for the constitution formed by the convention of the people assembled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

HENRY G. MUMFORD.

[This vote was given in the second ward in the city of Providence.]

1776.

[ *Eagle.* ]

1841.

*Adoption of the constitution of Rhode Island.*

PEOPLE'S TICKET.

I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am qualified to vote under the existing laws of this State.

I vote for the constitution formed by the convention of the people assembled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

STEPHEN BRANCH.

[This vote was given in the fifth ward in the city of Providence.]

No. 76.

*Statement of taxes paid by non-voters in the city of Providence; number of persons serving in the militia, &c.; by Wm. H. Smith, esq.*

I have just been examining our city tax-books for 1840, 1841, and 1842—the three last years of the charter government. I find that in 1840, 421 citizens of age, but having no vote, were taxed upon personal property owned by them in the city, amounting to between one and two millions of dollars, and compelled by law to pay their tax. In 1841, 463 non voters of the city were so taxed upon about two millions of dollars. In 1842, 436 non-voters were so taxed upon about the same amount. Certificates from the town clerks or assessors of our trading and manufacturing towns



would, I think, show about the same proportion of non-voters there taxed upon their personal property, as in Providence. In our agricultural towns, which are generally small, the proportion of non-voters taxed must have been much less than in Providence, because most of the citizens of those towns who owned personal property, owned land enough to vote upon also. The average of non-voters taxed in Providence for said three years, is 440. Calculating that the same number of non-voters were taxed in 1841, in the ten other most trading, manufacturing, and populous towns of our State in proportion to their population, as in Providence, gives the whole number of non-voters taxed that year in those ten towns 886  
 Add the number of non-voters taxed in Providence - - - 440

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 1,326

These eleven towns contain more than two-thirds of the population of the State. Supposing the remaining twenty towns to have contained non-voters actually taxed, in the same proportion to the population of these towns, as were taxed in Providence in proportion to its population, it will give 663 as the number of non-voters taxed in all these twenty towns. But suppose one-third of that number were taxed in these towns -

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 221

This gives the whole number of non-voters taxed in the State - 1,547

This, I think, a very moderate calculation.

#### *Militiamen.*

The whole number of males in this State in December, 1841, over 21, as nearly as can be ascertained by the census of 1840, was 26,142  
 Deduct 3,000 not citizens of United States and permanent residents, insane, &c. - - - - - 3,000

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 23,142

Deduct the legal voters, viz: freeholders and eldest sons - 8,622

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 14,520

Deduct exempts from the militia by being over 45 years of age - 7,543

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 6,977

Deduct other persons exempted by law, about - - - 1,500

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 5,477

Number of non-voters in Rhode Island doing military duty, or paying their fines in lieu thereof - - - - -  
 At least one-quarter [386] of the whole number of non-voters who paid a tax upon their personal property, did military duty, or paid their fines, in addition to that tax. These doubly oppressed citizens should, therefore, be included in the above 5,477 non-voting militiamen. The other three fourths [1,161] being among the non-voting exempts, I add to the above 5,477 -

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 1,161

The whole number of non-voting militiamen added to others paying taxes on personal property, was then - - - 6,638

(These must have voted for the people's constitution almost, if not quite, to a man.)

The number of freeholders and their eldest sons, who voted for the people's constitution, was precisely	-	-	-	4,960
				<hr/>
				11,598
52 voted against the people's constitution	-	-	-	52
				<hr/>
Majority	-	-	-	11,546
				<hr/>

Therefore, excluding every vote cast for the people's constitution, except the votes of legal freemen, tax-payers on personal property, payers of militia fines, and doers of militia duty, that constitution has been adopted by a majority of 11,546, voting on the *very principle* upon which the present constitution claims to have been adopted by a majority of 7,200, namely: the principle that "a majority of the persons having a right to vote, and *actually voting*" for a constitution, are sufficient to adopt it.

But we are told that neither legal freemen nor any other tax-payers had "*a right to vote*" for the people's constitution, because not authorized so to do by any law of the charter government.

This presents the naked question, Whence did the charter government derive any authority either to *authorize* or *forbid* a majority of the legal freemen and other tax-payers of Rhode Island to adopt a new constitution for that State? The charter contains no provision for changing its system of government, and its system of government derives no authority from any other source; either to *authorize* or *forbid* a majority of legal freemen and tax-payers to make such a change. The charter government had nothing to do with the subject of a change.

I say, if the British Parliament had no right to impose the tax on stamps, tea, &c., on the colonists individually, because they had no representation in that Parliament, the General Assembly had no right to impose taxes, fines, and military service individually, on non-voters, because *they* had no representation in that Assembly.

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### No. 77.

*Papers filed in the case of Martin Luther vs. Luther M. Borden et al., pending in the Supreme Court of the United States.*

MARTIN LUTHER vs. LUTHER M. BORDEN ET AL.

District of Rhode Island, ss: {	November term, 1842, at Providence.
Circuit Court,	
United States of America: }	

### BILL OF EXCEPTIONS.

Be it remembered that, at a term of the circuit court of the United States for the first circuit, held at Providence, in the district of Rhode Island, on the fifteenth day of November, in the year one thousand eight hundred and forty three, by the Hon. Joseph Story, esq., associate justice of the supreme court of the United States, and the Hon. John Pitman, esq., justice of the district court of the United States for the district of Rhode Island, came

Martin Luther, of Fall River, in the State of Massachusetts, trader, and a citizen of said State of Massachusetts, and by an action of trespass declared against Luther M. Borden, master mariner, Stephen Johnson, cooper, William L. Brown, carpenter, John H. Monroe, tailor, William B. Snell, custom-house officer, James Gardner, merchant, Silas P. Martin, master mariner; all of Warren, in said district of Rhode Island, and all citizens of the State of Rhode Island and Providence Plantations.

The writ and declaration, and service thereof, and the defendants' plea and the issue joined, are as follows:

#### WRIT.

RHODE ISLAND DISTRICT, ss:

*The President of the United States of America to the marshal of said district, or to his deputy, greeting:*

We command you to arrest the bodies of Luther M. Borden, master mariner, Stephen Johnson, cooper, William L. Brown, carpenter, John H. Monroe, tailor, William B. Snell, custom-house officer, James Gardner, merchant, Silas P. Martin, master mariner, Hammond Sergeant, seaman, and John Kelley, master mariner, all of Warren, in said district, and all citizens of the State of Rhode Island and Providence Plantations, if they may be found in your district; and for want of their bodies, to attach their goods and chattels to the value of five thousand dollars, and him or them in safe custody keep, to answer the complaint of Martin Luther, of Fall River, in the State of Massachusetts, trader, and a citizen of said State of Massachusetts, at the next circuit court to be holden at Providence, within and for the Rhode Island district, on the 15th day of November next ensuing the date hereof, in an action of trespass; for that the defendants, on the 29th day of June, A. D. 1842, at Warren, in the Rhode Island district, with force and arms illegally broke and entered the plaintiff's house, and ill-treated his family, as by declaration to be filed in court will be fully set forth, to the damage of the plaintiff five thousand dollars. Hereof fail not, and make true return of this writ, with your doings thereon.

Witness the Hon. Roger B. Taney, our chief justice, at Providence, the 6th day of October, A. D. 1842.

JOHN T. PITMAN, *Clerk.*

#### DECLARATION.

MARTIN LUTHER vs. LUTHER M. BORDEN ET AL.

District of Rhode Island, ss: {	November term, 1842, at Providence.
Circuit Court,	
United States of America: }	

*To the Marshal, &c.*

In an action of trespass; for that the defendants, on the 29th day of June, 1842, at Warren, in the county of Bristol, in said district, the house of the plaintiff, then occupied by him and his family, with force and arms broke and entered in the night time, the said defendants being armed with dangerous weapons, and then and there, with like force and arms, and in a men-



acing and ruffianly manner towards the inmates of said house, broke and tore down and despoiled the doors, glasses, windows, and furniture, misused and defiled the said house above stairs, and insulted and drove from their beds the females and other inmates in said house there quietly sleeping, and grossly insulted and assaulted the mother of the plaintiff, and threatened to run her through with a bayonet, and other wrongs and injuries then and there did to the plaintiff, against the peace, &c., to the damage of the plaintiff five thousand dollars, as set forth in his writ dated the 6th day of October, A. D. 1842.

B. F. HALLETT,  
*Plaintiff's Attorney.*

## MARSHAL'S RETURN.

DISTRICT OF RHODE ISLAND, ss:

WARREN, October 8, 1842.

Arrested the bodies of the within named Luther M. Borden, Stephen Johnson, and John H. Monroe, and have taken Rodolphus B. Johnson as bail; also arrested the body of William L. Brown, and have taken Joseph Smith for bail; also arrested the bodies of James Gardner and William B. Snell, and have taken Henry H. Luther as bail; also arrested the body of John Kelley, and have taken George T. Gardner and Martin L. Salisbury as bail, as commanded; the within named Silas P. Martin and Hammond Sergeant, being absent from the district, are not arrested.

SYLVESTER HARTSHORN,  
*United States marshal.*

For 7 services	-	\$14 00
Travel, 11 miles	-	1 10
Bail for 7	-	3 50
11 copies	-	2 00

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\$20 60

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Received \$20 60 of Benjamin M. Bosworth, my fees for service.

S. HARTSHORN,  
*United States marshal.*

Rodolphus B. Johnson bail for Luther M. Borden, Stephen Johnson, and John H. Monroe.

Joseph Smith bail for William L. Brown.

Henry H. Luther bail for James Gardner and William B. Snell.

George T. Gardner and Martin L. Salisbury bail for John Kelley.

## DEFENDANTS' PLEAS.

Rhode Island district, ss:	}	November term, A. D. 1842.
Circuit Court of the		
United States,		

CASE MARTIN LUTHER vs. LUTHER M. BORDEN AND OTHERS.

*First plea.*—And the defendants come, &c., and defend the force and in-

jury when, &c.; and as to the breaking and entering the plaintiff's dwelling house, as set forth in the plaintiff's declaration, say: That the plaintiff his action aforesaid against them ought not to have or maintain, because they say that on the 24th day of June, A. D. 1842, and for a long time before, and from that time continually until after the time the said trespasses are alleged to have been committed, large numbers of men were assembled in arms in different parts of the said State of Rhode Island and Providence Plantations, for the purpose and with the intent of overthrowing the government of said State, and destroying the same by military force; and with such illegal, malicious, and traitorous intent and purpose, at and during the times aforesaid, did in different parts of said State make and levy war upon said State, and upon the government and citizens thereof, attempting and enterprising the hurt, detriment, annoyance, and destruction of the inhabitants of said State, and the overthrow of the government thereof.

And the defendants aver, that, in order to protect and preserve the said State, and the government and citizens thereof, the said State of Rhode Island, on the 25th day of June, 1842, was, by legal and competent authority, declared to be under martial law, and the commanders and military officers of said State were authorized to use and exercise the law martial.

And the defendants aver, that, at said time, when said State was declared to be under martial law as aforesaid, the occasion necessarily required the use and exercise of the law martial in said State. And the defendants further aver, that at the time when the pretended trespasses mentioned and set forth in the plaintiff's declaration are alleged to have been committed, the plaintiff was aiding and assisting the aforesaid traitorous, malicious, and unlawful purposes and designs of overthrowing the government of said State by military force, and in making war upon said State, and upon the government and citizens thereof. And the defendants further aver, that, at the time when the said trespasses are alleged to have been committed, the said State was under martial law as aforesaid, and the commanders and military officers of said State were legally authorized to use and exercise the law martial; and that at said time the defendants were enrolled in the company of infantry in the town of Warren, in the fourth regiment of the militia of said State, and were under the command of John T. Child, a military officer duly appointed and legally qualified to act as their commander; and at said time, the defendants at said Warren were ordered by the said John T. Child, their said commander, to arrest and take the said Martin Luther, and, if necessary for the purpose of arresting and taking the said Martin Luther, to break and enter the dwelling-house of the said Martin Luther.

And the defendants, verily believing that the said Martin Luther was concealed in said dwelling-house, did then and there, in obedience to the command of the said John T. Child, their said commander, enter the said dwelling-house of the said Martin Luther, for the purpose of arresting and taking the said Martin Luther.

And because it was necessary to enter the said dwelling-house in order to arrest and take the said Martin Luther, in obedience to the command of the said John T. Child, their said commander, and to search and examine the different rooms and apartments of the said dwelling-house, the defendants did then and there, with a little force, break and enter the said dwelling-house, and search and examine the different rooms and apartments in said dwelling-house, for the purpose of arresting and taking the said Martin

Luther, doing as little damage as possible, and not injuring or hurting the persons abiding in said dwelling-house, which it was lawful for them to do.

Wherefore the defendants pray judgment if the plaintiff his action aforesaid thereof against them ought to have or maintain, and for their costs.

*Second plea.*—Saving which, if overruled, by leave of court first had and obtained, and for further plea, the defendants come, &c., and defend the force and injury; and as to the breaking and entering the plaintiff's dwelling-house, set forth in the declaration of the plaintiff, say the plaintiff his action aforesaid ought not to have or maintain, because they say: That, at the time when the pretended trespasses mentioned and set forth in the plaintiff's declaration are alleged to have been committed, large numbers of men were assembled in arms, in warlike array, in the State of Rhode Island and Providence Plantations, who, in different parts of said State, made and levied war upon said State, and *was* attempting and enterprising the hurt, detriment, annoyance, and destruction of the inhabitants of said State, and the overthrow of the government of said State by military force. And the said State of Rhode Island was by legal and competent authority declared to be under martial law, and the commanders and military officers of said State were authorized to use and exercise the law martial. And the defendants aver, that, in order to protect and preserve the said State, and the government and citizens thereof, the occasion necessarily required the use and exercise of the law martial at said time in said State; and the defendants were enrolled in the company of infantry in the town of Warren, in said State, in the fourth regiment of the militia of said State, and were under the command of John T. Child, a military commander, duly appointed and legally qualified to act as their commander, and were ordered by their said commander, at said Warren, to arrest and take said Martin Luther, who was supposed to be concealed in said dwelling house of said Martin Luther; and the defendants, in obedience to the command of the said John T. Child, their said commander, did enter the said dwelling-house for the purpose of arresting said Martin Luther; and because it was necessary, in order to arrest and take the said Martin Luther, according to the command of the said John T. Child, to enter the said dwelling-house, and to search and examine the different rooms and apartments of the said dwelling-house for the purpose of arresting and taking said Martin Luther, doing as little damage as possible, as was lawful for them to do. All which the defendants are ready to verify. Wherefore, they pray judgment if the plaintiff his action aforesaid ought to have or maintain against them, and for their costs.

*Third plea.*—Saving which, if annulled, by leave of court first had and obtained, and for further plea, the defendants come, &c., and defend the force and injury, as to the breaking and entering the plaintiff's dwelling-house, set forth in the declaration of the plaintiff, and say that the plaintiff his action aforesaid ought not to have or maintain, because they say: That, at the time when the pretended trespasses mentioned and set forth in the plaintiff's declaration are alleged to have been committed, large numbers of men were assembled in arms in warlike array, in the State of Rhode Island and Providence Plantations, who, in different parts of said State, made and levied war upon said State, and were attempting and enterprising the hurt, detriment, annoyance, and destruction of the inhabitants of said State, and the overthrow of the government of said State by military force. And the defendants aver that the legislature of said State of Rhode Island, duly and legally chosen, constituted, and elected, according to the provisions of the



charter or fundamental law, and the ancient and long-established usages of said State, enacted the following law, in pursuance of the authority contained in the said charter, of the ancient usages of the State, and of the general legislative powers conferred on them by said charter and usages, to wit :

"AN ACT establishing martial law in this State.

*"Be it enacted by the General Assembly as follows :*

"SECTION 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law, and the same is declared to be in full force until otherwise ordered by the General Assembly, or suspended by proclamation of his excellency the governor of the State."

And the commanders and military officers of said State were authorized to use and exercise the law martial.

And the defendants aver, that, in order to protect the said State, and the government and citizens thereof, the occasion necessarily required the use and exercise of the law martial at said time in said State.

And the defendants were enrolled in the company of infantry in the town of Warren, in said State, in the fourth regiment of the militia of said State, and were under the command of John T. Child, a military commander, duly appointed and legally qualified to act as their commander, and were ordered by their said commander, at said Warren, to arrest and take said Martin Luther, who was supposed to be concealed in said dwelling-house of said Martin Luther ; and the defendants, in obedience to the commands of said John T. Child, their said commander, did enter said dwelling-house for the purpose of arresting said Martin Luther ; and because it was necessary, in order to arrest and take said Martin Luther, according to the command of the said John T. Child, to enter the said dwelling-house, and to search and examine the different rooms and apartments of the said dwelling-house, the defendants, by order of the said John T. Child, did then and there break and enter the said dwelling-house, and did search and examine the different rooms and apartments of the said dwelling-house for the purpose of arresting and taking said Martin Luther, as was lawful for them to do, doing as little damage as possible. All which the defendants are ready to verify. Wherefore they pray judgment if the plaintiff his action aforesaid ought to have or maintain against them, and for their costs.

*Fourth plea.*—And as to the residue of the trespasses set forth in the plaintiff's declaration, except the breaking and entering the plaintiff's dwelling-house, and searching and examining the rooms and apartments in said dwelling-house, doing as little damage as possible, for the purpose of arresting and taking the said Martin Luther, the defendants, by leave of the court, &c., come and defend the force and injury when, &c., and say they are not guilty in manner and form as the plaintiff in his declaration thereof against them has declared ; and of this, they put themselves upon the country for trial.

By their attorneys,

GREENE, BOSWORTH, & WHIPPLE.

RHODE ISLAND DISTRICT, ss :

CLERK'S OFFICE CIRCUIT COURT,  
At Providence, May 26, 1843.

I certify that the above and foregoing five pages contain a true copy of the pleas filed April 20, 1843, in the case Martin Luther vs. Luther M. Borden and others, duly compared by me.

JOHN T. PITMAN, *Clerk.*

## REPLICATION.

Circuit court of the United States.—In the action Martin Luther vs. Luther M. Borden and others.

*Replication to the defendants' pleas.*

And the plaintiff says, that he ought not to be precluded from having and maintaining his action aforesaid thereof against them, the said defendants, by reason of any matter or thing above by them in their said pleas in bar alleged; because he, the said plaintiff, says that the said defendants, at the time when, &c, committed the trespass aforesaid, in his the said plaintiff's declaration alleged, of their the said defendants' own wrong, and without such cause as is by the said defendants, in their said pleas, alleged; and this the plaintiff prays may be inquired of by the country.

By their attorney,

B. F. HALLETT.

*Rejoinder.*

And the defendants, likewise, by

GREENE, WHIPPLE, &amp; BOSWORTH.

A true copy.—Attest :

JOHN T. PITMAN,

*Clerk of U. S. circuit court, Rhode Island district.*

65 cents, paid.

[Here follows the record from the minute book of continuance and further security given for costs, on motion of defendants, bond copied, &c.]

[Here follow the jury verdict, and judgment.]

Which issue being joined, came on to be tried before the said circuit court, at the November term, A. D. 1843, by a jury duly impanelled therefor.

And, upon the trial of that issue, the counsel for the plaintiff, to maintain and prove the issue on his part, offered to give in evidence the following matters, facts, and things, in manner following, to wit :

*First.* The plaintiff offered in evidence the proceedings and resolutions of a convention of the State of Rhode Island and Providence Plantations, passed 29th May, 1790; a copy whereof is hereunto annexed, (marked A.)

*Second.* The plaintiff offered in evidence the report of a committee of the House of Representatives of the State of Rhode Island, &c., made in June, 1829, upon certain memorials to them, therein praying for an extension of the right of suffrage in said State; a copy of which is hereunto annexed, (marked B.)

*Third.* The plaintiff offered in evidence resolutions passed by the General Assembly of said State, at their session, (January session,) 1841; a copy of which is hereunto annexed, (marked C.)

*Fourth.* The plaintiff then offered in evidence the memorial addressed to said Assembly, at said session, by Elisha Dillingham and others; a copy of which is hereunto annexed, (marked D.)

*Fifth.* The plaintiff offers evidence to prove that in the last part of the year 1840, and in the year 1841, associations were formed in many, if not in all, the towns in said State, called "suffrage associations," the object of which was to diffuse information among the people upon the question of forming a written republican constitution, and of extending the right of suffrage. To prove this, he offers the officers and members of said associations. Also, the declaration of principles of said association, passed February 7, 1841, and the proceedings of a meeting thereof, on the 13th day of April, 1841. Also, the plaintiff offered witnesses in evidence to prove that a portion of the people of this State assembled at Providence on the 17th day of April, 1841, under a call of the Rhode Island suffrage association, to take into consideration certain matters connected with the existing state of suffrage in said State, and to prove the proceedings of said meeting; and this he offers to prove by the testimony of the chairman of said meeting, and the clerk of the same, and of other persons present thereat; copies of which proceedings, declaration, resolutions, &c., are hereunto annexed, (marked E.)

*Sixth.* The plaintiff offered to prove that, on the 5th day of May, A. D. 1841, a mass convention of the male inhabitants of this State, consisting of four thousand and upwards, of the age of twenty-one years and upwards, met at Newport, in said State, in pursuance of notice for that purpose; whereat, among other things, it was resolved by said convention as follows: (See copy of said resolutions, hereunto annexed, marked F.)

*Seventh.* The plaintiff offered to prove that the said mass convention at Newport aforesaid, adjourned their meeting from said 5th day of May to the 5th day of July, 1841, to Providence, in said State; at which place and time last mentioned said convention re-assembled, consisting of six thousand persons and upwards, of the age of twenty one years and upwards, the same being the free white male inhabitants of said State; when and where, among other things, it was resolved by said convention as follows: (See copies of said resolutions, hereunto annexed, and marked G.)

*Eighth.* The plaintiff offered in evidence certain resolutions of the General Assembly of said State, passed at their May session, 1841; also, a certain bill or act presented by a member of said Assembly at the same session, and the proceedings of said Assembly thereupon; copies of which are hereunto annexed, (marked H a, H b.)

*Ninth.* The plaintiff offered in evidence the minority report from the Committee on the Judiciary, upon the bill or act mentioned in the eighth offer made to said General Assembly, at their June session, A. D. 1841, and the action of said General Assembly thereupon; copies of which are hereunto annexed, (marked I a, I b.)

*Tenth.* The plaintiff offered to prove that the said State committee, by virtue of authority in them vested by the said mass convention, notified the inhabitants of the several towns, and of the city of Providence, in this State, to assemble together and appoint delegates to a convention, for the purpose of framing a constitution for the State aforesaid; and that every American



male citizen, twenty-one years of age and upwards, who had resided in this State as his home one year-preceding the election of delegates, should have the right to vote for delegates to said convention to draught a constitution to be laid before the people of said State; and that every thousand inhabitants in the towns in said State should be entitled to one delegate, and each ward in the city of Providence to three delegates, as appears by the following request, duly published and proclaimed; also, an address from said committee to the people of the State. (See the copies of said request and address hereunto annexed, and marked J a, J b.)

*Eleventh.* The plaintiff offered to prove that the said notice, request, or call, was duly published and promulgated in public newspapers, and printed and published in said State, and by handbills which were stuck up in the public houses, and at various other places of public resort in all the towns, and in every ward in the city of Providence, in said State.

*Twelfth.* The plaintiff offered to prove that at the adjourned mass convention aforementioned as held at Providence, in said State, on the 5th day of July, A. D. 1841, the people of this State then present did, by vote duly taken, enlarge said State committee, by the addition of the following named persons, all citizens of this State, to wit:

Providence county—Henry L. Webster, Philip B. Stiness, Metcalf Marsh.

Newport county—Silas Sisson.

Bristol county—Abijah Luce.

Kent county—John B. Sheldon.

Washington county—Wager Weeden, Charles Allen.

*Thirteenth.* The plaintiff offered to prove, that at the meeting of the said State committee on the 20th day of July, 1841, at Providence aforesaid, when the said notice, request, or call was ordered, the following members of said committee were present, and approved of the aforesaid call, and of all the proceedings then had, to wit: Samuel H. Wales, Henry L. Webster, Benjamin Arnold, jr., Welcome B. Sayles, Metcalf Marsh, Philip B. Stiness, Dutee J. Pearce, Silas Sisson, Benjamin M. Bosworth, Abijah Luce, Sylvester Himes.

*Fourteenth.* The plaintiff then offered to prove that, in the month of August, 1841, citizens of said State, qualified as aforesaid, did meet in their several towns, and in the several wards in the said city of Providence, and made choice of delegates, in conformity with said notice, to meet in convention to form and draught a constitution to be laid before the people of this State; and he offered the chairman presiding at said meetings, and the persons acting as clerks of the same, the votes or ballots then and there cast by the persons voting thereon, and of the persons then and there voting, to prove the aforesaid facts, and to prove the number of citizens so voting.

*Fifteenth.* The plaintiff offered to prove that the said delegates did meet in convention in said city of Providence in the month of October, 1841, and draughted a constitution, and submitted it to the people of said State for their examination, and then adjourned to meet in said city of Providence in the month of November, A. D. 1841; and he offered to prove this by the production of the original minutes or records of the proceedings of said convention, verified by the oaths of the president and secretaries thereof, and of divers persons attending the same as members thereof or delegates thereto.

*Sixteenth.* The plaintiff offers to prove that, in pursuance of said ad-

jourment, the said delegates did again meet in convention in said Providence in said month of November, and then completed the draught of the following constitution, (a copy of which is hereunto annexed, marked K,) and submitted the same to the people of said State for their adoption or rejection, recommending them to express their will on the subject at meetings to be duly presided over by moderators and clerks, and by writing their names upon their tickets, and to be holden in their several towns, and in the several wards of the city of Providence, on Monday, the 27th day of December, and on the two next successive days; and that any person entitled to vote, who from sickness or other cause might be unable to attend and vote in the town or ward meetings on the days aforesaid, might write his name on a ticket, and obtain the signature upon the back of the same, as a witness thereto, of a person who had given in his vote; which tickets were in the following form, to wit: "I am an American citizen of the age of twenty-one years, and have my permanent residence or home in this State. I am (or not) qualified to vote under the existing laws of this State. I vote for (or against) the constitution formed by the convention of the people assembled in Providence, and which was proposed to the people by said convention on the 18th day of November, A. D. 1841," which votes the moderator or clerk of any town or ward meeting should receive on either of the three days succeeding the three days before named; and which he offered to prove by the production of said original minutes and records as aforesaid, verified as aforesaid, and by the testimony of the persons aforesaid, and by the 14th article of said constitution.

*Seventeenth.* The plaintiff offered to prove that meetings were held in the several towns and wards of the city of Providence aforesaid, and on the days aforesaid, for the purposes aforesaid, and in pursuance of the requirements of said constitution; and the said moderators and clerks did receive, on said three successive days, such votes of persons qualified as aforesaid, and them carefully kept, and made registers of all the persons voting, which, together with the tickets given in by the voters, were sealed up and returned by said moderators and clerks, with certificates signed and sealed by them, to the secretaries of said convention, to be counted and declared at their adjourned meeting on the 12th day of January A. D. 1842. All of which he offered to prove by the testimony of the several moderators presiding at said meeting, and of the clerks of the same, and of the secretaries of said convention, and by the production of the original votes or ballots cast or polled, by the persons then and there voting, the original registers of all said persons so voting, and the said certificates signed and sealed as aforesaid, verified by the oaths of said moderators and clerks.

*Eighteenth.* The plaintiff offered to prove that the said convention of delegates did meet in said Providence on the said 12th day of January, 1842, and did then and there count the said votes; and the said convention thereafterwards, on the said 13th day of said January, did pass the preamble and resolutions following, to wit:

"Whereas, by the return of the votes upon the constitution proposed to the citizens of this State by the convention on the 18th day of November last, it satisfactorily appears that the citizens of this State, in their original sovereign capacity, have ratified and adopted said constitution by a large majority; and the will of the people thus decisively made known ought to be implicitly obeyed and faithfully executed:

"We do therefore *resolve and declare* that said constitution rightfully



ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

"And we further *resolve* and *declare* for ourselves, and in behalf of the people whom we represent, that we will establish said constitution, and sustain and defend the same by all necessary means.

"*Resolved*, That the officers of this convention make proclamation of the return of the votes upon the constitution, and that the same has been adopted and become the constitution of this State; and that they cause said proclamation to be published in the newspapers of the same.

"*Resolved*, That a certified copy of the report of the committee appointed to count the votes upon the constitution, and of these resolutions, and of the constitution, be sent to his excellency the governor, with a request that he would communicate the same to the two houses of the General Assembly." (A copy of which resolutions and proceedings is annexed, marked L c.)

And he further offers to prove that the same was sent to said governor, and by him communicated to the said General Assembly, and by them laid on the table; and that, by a subsequent resolution of the House of Representatives in said General Assembly, the further consideration thereof was indefinitely postponed. All these matters he offered to prove by the production of the original minutes or records of the convention aforesaid, verified by the oaths of the president, vice presidents, and secretaries thereof; by the report of the committee appointed by said convention to count said votes, verified by the certificate of the secretaries of said convention, and by the oaths of the members of said committee, and by the certificate of Henry Bowen, secretary of state under the then acting government, and of Thomas A. Jenckes, one of the clerks of the then House of Representatives. And he further offered to prove that, at the same session of said Assembly, a member of the House of Representatives submitted to that body, for their action, a resolution referring all the matters connected with the formation and adoption of the aforesaid constitution to a select committee, with instructions to them to ascertain and report the number of votes cast, and the number of persons voting for the same, with full power to send for persons and papers; which resolution was rejected by said House of Representatives, as appears by copies of the records of the said house for said session, (hereunto annexed, marked L a,) and the exhibit (hereunto annexed, marked L b,) and the testimony of witnesses.

*Nineteenth.* The plaintiff then offered to prove that the officers of said convention did make the proclamation required by the said resolution of the said convention; and he offered to prove this, by a copy of said proclamation certified by said officers, the oaths of said officers, and the testimony of other witnesses. (See form of proclamation annexed, marked X.)

*Twentieth.* The plaintiff then offered to prove that the said constitution was adopted by a large majority of the male people of this State, of the age of twenty-one years and upwards, who were qualified to vote under said constitution; and also adopted by a majority of the persons entitled to vote for general officers under the then existing laws of said State, and according to the provisions thereof; and that so much of the same as relates to the election of the officers named in the 6th section of the 14th article of said constitution, on the Monday before the third Wednesday of April, A. D. 1842, (to wit, on the 18th day of said April,) and all other parts thereof on the first Tuesday of May, 1842, (to wit, on the 3d day of said May,) and then and there became and was the rightful and legal constitution of said



State, and paramount law of said State; and this he offered to prove by the production of the original votes or ballots cast or polled by the persons voting for or against the adoption of said constitution; by the production of the original registers of the persons so voting, verified by the oaths of the several moderators and clerks of the meetings held for such voting; by the testimony of all the persons so voting, and by the said constitution.

*Twenty-first.* The plaintiff produced a copy of said constitution, verified by the certificates of Joseph Joslin, president of said convention of delegates elected and assembled as aforesaid, and for the purposes aforesaid, and of Samuel H. Wales, one of the vice presidents, and of John S. Harris and William H. Smith, secretaries of the same; and offers the said Joslin, Wales, Harris, and Smith, as witnesses to prove the truth of the matters set forth in said certificates; which said copy, upon the proof aforesaid, he claims to be a true and authenticated copy of said constitution, and which constitution he claims to be the paramount law of the said State.

*Twenty-second.* The plaintiff offered to prove that, by virtue of, and in conformity with, the provisions of said constitution, so adopted as aforesaid, the people of said State entitled to vote for general officers, senators and representatives to the General Assembly of said State, under said constitution, did meet in legal town and ward meetings on the third Wednesday of April next preceding the first Tuesday of May, 1842, (to wit, on the 18th day of April, 1842,) and did elect duly the officers required by said constitution for the formation of the government under said constitution; and that said meetings were conducted and directed according to the provisions of said constitution and the laws of said State; and this he offered to prove by the evidence of the moderators and clerks of said meetings, and the persons present at the same.

*Twenty-third.* The plaintiff offered in evidence, that the said general officers, (to wit, the governor, lieutenant governor, secretary of state, senators, and representatives, all constituting the General Assembly of said State under said constitution,) did assemble in said city of Providence on the first Tuesday of May, A. D. 1842, (to wit, on the 3d day of May, 1842,) and did then and there organize a government of the said State in conformity with the provisions and requirements of said constitution, and did elect, appoint, and qualify officers to carry the said constitution and laws into effect; and to prove the same, he offered exemplified copies of the acts and doings of said General Assembly, (hereunto annexed, and marked N a, N b, N c.)

*Twenty-fourth.* The plaintiff offered in evidence a duly certified copy of that part of the census of the United States for the year 1840, which applies to the district and State of Rhode Island, &c., (hereunto annexed, and marked O.)

*Twenty-fifth.* The plaintiff offered in evidence a certificate signed by Henry Bowen, secretary of the then existing government of the State of Rhode Island, showing the number of votes polled by the freemen in said State for the ten years then last past; (a copy of which is hereunto annexed marked P;) and also, under the same certificate, an act (marked Q) purporting to establish martial law.

*Twenty-sixth.* And the plaintiff offered in evidence an authenticated copy of an act of the General Assembly under the charter government, passed at their June session A. D. 1842, entitled "An act to provide for calling a convention of the people," &c., and an act in amendment thereto, (which said copy is hereunto annexed, marked Q a;) and also a copy from

the records of the House of Representatives (under said government) at the March session, A. D. 1842, hereunto annexed, marked R.

#### DEFENDANTS' OFFERINGS.

The defendants offered in evidence, in support of their first and second pleas—

*First.* The charter of the colony of Rhode Island and Providence Plantations, and the acceptance of the same at a very great meeting and assembly of all the freemen of the then colony of Rhode Island and Providence Plantations legally called and held at Newport, in the said colony, on the 24th day of November, A. D. 1663.

That on the 25th day of November, A. D. 1663, the former lawful colonial government of the said colony dissolved itself, and the said charter became, and was thenceforth, the fundamental law or rule of government for said colony. That under and by virtue of said charter, and the acceptance thereof as aforesaid, the government of said colony was duly organized, and by due elections has continued and exercised all the powers of government granted by it, and was recognised by the inhabitants of said colony, and by the King of Great Britain, and his successors, as the true and lawful government of said colony, until the 4th of July, A. D. 1776.

That the General Assembly of said colony, from time to time, elected and appointed delegates to the General Congress of the delegates of the several colonies of North America, held in the years 1774, 1775, and 1776, and to the Congress of the United States of America in the years 1776 and 1778.

And the said delegates of said colony of Rhode Island and Providence Plantations were received by, and acted with, the delegates from the other colonies and States of America in Congress assembled, as the delegates representing the said colony and State of Rhode Island and Providence Plantations; and that on the 4th of July, A. D. 1776, said delegates of the said colony of Rhode Island and Providence Plantations united with the delegates of the other colonies as representatives of the United States of America, and as such assented to and signed, in behalf of said colony, the Declaration of Independence of the United States of America.

That afterwards, to wit, at the July session of the General Assembly of said State of Rhode Island and Providence Plantations, said General Assembly, by resolution thereof, did approve the said Declaration of Independence made by the Congress aforesaid, and did most solemnly engage that they would support the said General Congress in the said declaration with their lives and fortunes.

That afterwards, to wit, on the 9th day of July, 1778, the said State of Rhode Island and Providence Plantations, by her delegates, duly authorized thereunto, became a party to the articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and ratified and confirmed the same; and as one of the United States of America, under said articles of confederation and perpetual Union, was received, recognised, and acted with and by the other States of the said confederation, and by the United States of America in Congress assembled, during the continuation of said confederacy.

That after the dissolution of said confederacy, to wit, on the 29th day of



May, A. D. 1790, said State of Rhode Island and Providence Plantations, in convention duly called, elected, and assembled under an act of the General Assembly of said State, ratified the constitution of the United States, and under the same became, and ever since has been, one of the said United States; and as such, under the constitution and laws of the United States, and of the said State of Rhode Island and Providence Plantations, hath ever elected and sent, and doth now send, Senators and Representatives to the Congress of the United States, who have been since, and now are, received and recognised as such by the said United States, and in all respects have ever been received and recognised by the several States, and by the United States, as one of the said United States under the said constitution thereof.

That from the said 4th day of July, A. D. 1776, to the present time, the said charter and the said government of the said State of Rhode Island and Providence Plantations, organized under the same, hath ever been acted under and recognised by the people of said State, and hath been recognised by each of the said United States, and hath been recognised and guarantied by the said United States, as the true, lawful, and republican constitution and form of government of said State; and that the said charter continued to regulate the exercise and distribution of the powers of said government of said State; and except so far as it hath been modified by the revolution, and the new order of things consequent thereon, continued to be the fundamental law of said State, until the adoption of the present constitution of said State, and the organization of the government under the same.

That all the officers of the said government of said colony and State of Rhode Island and Providence Plantations, organized under said charter as aforesaid, were elected in conformity with said charter, and with the existing laws, from the first organization of the government under the said charter, until the organization of the government under the present constitution of said State, and were and continued to be in the full exercise of all the powers of said government, and in the full possession of all the State-houses, court-houses, public records, prisons, jails, and all other public property, until the regular and legal dissolution of said government by the adoption of the present constitution, and the organization of the present government under the same.

*Second.* That the General Assembly of said State, at their January session in the year of our Lord 1841, passed resolutions in the words following, to wit

*"Resolved by the General Assembly, (the Senate concurring with the House of Representatives therein,)* That the freemen of the several towns in this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of the like qualifications, as they are now respectively entitled to choose representatives to the General Assembly, to attend a convention to be holden at Providence on the first Monday of November, in the year of our Lord 1841, to frame a new constitution for this State, either in whole or in part, with full powers for this purpose; and if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

*"Resolved,* That a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum, who may elect



a president and secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in August, may elect them at any time previous to the meeting of said convention.

*“Resolved,* That the constitution or amendments agreed upon by said convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution shall be certified by the president and secretary, and returned to the secretary of state, who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof, and also fifteen thousand ballots, on one side of which shall be printed ‘Amendments (or constitution) adopted by the convention holden at Providence on the first Monday of November last;’ and on the other side, the word ‘approve’ on the one-half of the said ballots, and the word ‘reject’ on the other half.

*“Resolved,* That at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly at its next succeeding session; and the said General Assembly shall cause said ballots to be examined and counted, and said amendments or constitution being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

*“Resolved,* That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president.”

That at their May session, in the year of our Lord 1841, the said General Assembly passed resolutions in the words following, to wit:

*“Resolved by this General Assembly, (the Senate concurring with the House of Representatives therein,) That the delegates from the several towns to the State convention to be holden in November next for the purpose of framing a State constitution, be elected on the basis of population, in the following manner, to wit: every town of not more than eight hundred and fifty inhabitants may elect one delegate; of more than eight hundred and fifty, and not more than three thousand inhabitants, two delegates; of more than three thousand and not more than six thousand inhabitants, three delegates; of more than six thousand and not more than ten thousand inhabitants, four delegates; of more than ten thousand and not more than fifteen thousand inhabitants, five delegates; of more than fifteen thousand inhabitants, six delegates.*

*“Resolved,* That the delegates attending said convention be entitled to receive from the general treasury the same pay as members of the General Assembly.

*“Resolved,* That so much of the resolutions to which these are in amendment as is inconsistent herewith, be repealed.”

And at the January session, in the year of our Lord 1842, the said General Assembly passed resolutions in the words following, to wit:

*“Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme*

law, and have communicated such constitution to the General Assembly : And whereas many of the good people of this State are in danger of being misled by these informal proceedings : therefore,

*"It is hereby resolved by this General Assembly,* That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

*"Resolved,* That the convention called and organized in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution ; and to this convention the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

*"Resolved,* That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people."

And that at their January session, in the year of our Lord 1842, the said General Assembly passed an act in the words following, to wit :

"AN ACT in amendment of an act, entitled 'An act revising an act entitled An act regulating the manner of admitting freemen, and directing the manner of electing officers in this State.'"

"Whereas, the good people of this State having elected delegates to a convention to form a constitution, which constitution, if ratified by the people, will become the supreme law of the State ; therefore,

*"Be it enacted by the General Assembly as follows:* All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of the said constitution."

That under and by virtue of the said resolutions and acts last aforesaid, a written constitution of government for the said State of Rhode Island and Providence Plantations was framed by a convention legally called, elected, and assembled ; and that said proposed constitution was, in pursuance of the said resolutions and acts, on the 21st, 22d, and 23d days of March, A. D. 1842, submitted for adoption or rejection to all persons qualified by the existing laws of said State to vote, and also to all persons who, under the provisions of said constitution, were qualified to vote in the legal town and ward meetings of said State and of the city of Providence, legally called and assembled, and was by a majority of the persons so qualified by law to vote thereon, and actually voting thereon, rejected. That the said Martin Luther and his confederates, in causing and fomenting the said rebellion, voted against the adoption of said constitution—a copy of which is hereunto annexed, marked A.

*Third.* The defendants offered all the acts, resolutions, and proceedings of the said General Assembly of the said colony and State of Rhode Island and Providence Plantations, from the organization of the said government under the said charter, until the organization of the present government under the present constitution.

*Fourth.* The defendants offered evidence that, on the 21th day of June, A. D. 1842, and for a long time before, and from that time continually, until after the time when the said trespasses are alleged in the plaintiff's

said declaration to have been committed, large numbers of men, among whom was the said Martin Luther, were assembled in arms in different parts of the said State of Rhode Island and Providence Plantations, for the purpose, and with the intent, of overthrowing the government of said State, and destroying the same by military force; and with such illegal, malicious, and traitorous intent and purpose, at and during the times aforesaid, did, in different parts of said State, make and levy war upon said State, and upon the government and citizens thereof, and did attempt and enterprise the hurt, detriment, annoyance, and destruction of the inhabitants of said State, and the overthrow of the government thereof.

*Fifth.* That, in order to protect and preserve said State, and the government and the citizens thereof, from the destruction threatened by said rebellion and military force, the General Assembly of said State, on the 25th day of June, A. D. 1842, enacted and declared martial law in the words following:

“AN ACT establishing martial law in this State.

*“Be it enacted by the General Assembly as follows:*

“SECTION 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law, and the same is declared to be in full force until otherwise ordered by the General Assembly, or suspended by proclamation of his excellency the governor of the State.”

And thereupon, on the 26th day of June, A. D. 1842, Samuel Ward King, governor and commander-in-chief in and over said State of Rhode Island and Providence Plantations, issued his proclamation in the words and figures following:

“By his excellency Samuel Ward King, governor, captain-general, and commander-in-chief of the State of Rhode Island and Providence Plantations.

“A PROCLAMATION.

“Whereas the General Assembly of the said State of Rhode Island and Providence Plantations did, on the 25th day of June, A. D. 1842, pass the act following, to wit:

“AN ACT establishing martial law in this State.

*“Be it enacted by the General Assembly as follows:*

“SECTION 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law, and the same is declared to be in full force until otherwise ordered by the General Assembly, or suspended by proclamation of his excellency the governor of the State:”

“I do therefore issue this my proclamation, to make known the same unto the good people of this State, and all others, that they may govern themselves accordingly. And I do warn all persons against any intercourse or connexion with the traitor Thomas Wilson Dorr, or his deluded adherents, now assembled in arms against the laws and authorities of this State, and admonish and command the said Thomas Wilson Dorr and his adherents immediately to throw down their arms and disperse, that peace and order may be restored to our suffering community, and as they will answer to the contrary at their peril. Further, I exhort the good people of this State to aid and support, by example and by arms, the civil and military



authorities thereof in pursuing and bringing to condign punishment all engaged in said unholy and criminal enterprise against the peace and dignity of the State.

“In testimony whereof, I have caused the seal of said State to be affixed to these presents, and have signed the same with my  
[L. S.] hand. Given at the city of Providence, on the 26th day of June, A. D. 1842, and of the independence of the United States of America the sixty-sixth.

“SAMUEL WARD KING.

“By his excellency’s command :

“HENRY BOWEN, *Secretary.*”

*Sixth.* That, at the time when the trespasses mentioned and set forth in the plaintiff’s said declaration are alleged to have been committed, and divers other times before that time, the plaintiff was aiding and abetting the aforesaid traitorous, malicious, and unlawful purpose and designs of overthrowing the government of said State by rebellion and military force, and in making war upon said State and upon the government and citizens thereof.

*Seventh.* That, at the time when the pretended trespasses mentioned in the plaintiff’s declaration are alleged to have been committed, the said State was under martial law as aforesaid, and the said defendants were enrolled in the company of infantry in the said town of Warren, in the fourth regiment of the militia of said State, and were under the command of John T. Child.

*Eighth.* That said John T. Child, on the 25th day of June, A. D. 1842, was duly commissioned and sworn as a quartermaster of the fourth regiment of the first brigade of militia of Rhode Island, and continued to exercise such command until after the time when the trespasses mentioned in the plaintiff’s declaration are alleged to have been committed ; that, on the 27th day of June, A. D. 1842, the said John T. Child received written orders from Thomas G. Turner, esq., lieutenant colonel commanding said regiment, and duly commissioned and sworn, “to continue to keep a strong armed guard, night and day, in the said town of Warren,” and ordered him to arrest every person, either citizens of Warren or otherwise, whose movements were in the least degree suspicious, or who expressed the least willingness to assist the insurgents who were in arms against the law and authorities of the State.

*Ninth.* That these defendants were ordered by the said John T. Child, their commander as aforesaid, to arrest and take the said Martin Luther ; and if necessary for the purpose of arresting and taking the said Luther, these defendants were ordered to break and enter the dwelling-house of said Luther.

*Tenth.* That these defendants, in compliance with said orders, and for the purpose of arresting and taking said Luther, proceeded to his house and knocked at the door, and, not being able to obtain admission therein, forced the latch of the door of said house, and entered the same, for the purpose of making said arrest, doing as little damage as possible.

*Eleventh.* That at the time these defendants were ordered to arrest the said Martin Luther, as before stated, the town of Warren was in danger of an attack from the said Martin Luther and his confederates, and the inhabitants of said town were in great alarm on account thereof.

Here the plaintiff rested his case, and the defendants rested their defence.

*Points of law.*

The counsel for the plaintiff requested the honorable court to instruct the jury as follows, to wit:

That, under the facts offered in evidence by the plaintiff, the constitution and frame of government prepared, adopted, and established in the manner and form set forth and shown thereby, was, and became thereby, the supreme law of the State of Rhode Island, and was in full force and effect, as such, during the time set forth in the plaintiff's writ and declaration, when the trespass alleged therein was committed by the defendants, as admitted in their pleas. That a majority of the free white male citizens of Rhode Island of twenty one years and upwards, in the exercise of the sovereignty of the people, through the forms and in the manner set forth in said evidence offered to be proved by the plaintiff, and in the absence, under the then existing frame of government of the said State of Rhode Island, of any provision therein for amending, altering, reforming, changing, or abolishing the said frame of government, had a right to reassume the powers of government, and establish a written constitution and frame of a republican form of government; and that, having so exercised such right, as aforesaid, the pre-existing charter government, and the authority and the assumed laws under which the defendants in their pleas claim to have acted, became null and void and of no effect, so far as they were repugnant to and conflicted with said constitution, and are no justification of the acts of the defendants in the premises.

And the court *pro forma*, and upon the understanding of the parties, and to carry up the rulings and exceptions of the said court to the Supreme Court of the United States, refused to give the said instructions, or to admit in evidence the facts offered to be proved by the plaintiff; but did admit the testimony offered to be proved by the defendants, and did rule that the government and laws, under which they assume in their plea to have acted, were in force and effect as the frame of government and laws of the State of Rhode Island, and did constitute a justification of the acts of the defendants, as set forth in their pleas; and thereupon the jury returned a verdict for the defendants as follows:

*Verdict.*

The jury find that the defendants are not guilty in manner and form as the plaintiff hath declared against them.

*Exceptions.*

To which several rulings of the court upon the evidence offered by the plaintiff, and upon the evidence offered by the defendants, and the refusal of the court to give the instructions prayed for by the plaintiff, as well as the instructions given by said court, the plaintiff at the trial excepted, and prayed this his bill of exceptions to be signed and sealed by the court. All which being found true, the same is accordingly signed and sealed.

In testimony whereof, I have hereto set my hand and seal.

It is agreed, that all the acts, resolutions, and proceedings of the General Assembly of the colony and State of Rhode Island and Providence Plantations, from the organization of the government under the charter of 1663,

to the organization of the government under the present constitution, to be found in the records, schedules, and digests of said colony and State, may be used in the trial and argument of said case of Martin Luther, plaintiff in error, against Luther M. Borden and others, defendants, before the Supreme Court of the United States, in the same manner as if said acts, resolutions, and proceedings, had been put in to this bill of exceptions.

It is also agreed, that the printed constitution, printed by authority of the convention, and rejected by a majority of the votes thereon on the 21st, 22d, and 23d days of March, 1842, may be used in the trial of the above case, in the same manner as if the same were put into this bill of exceptions.

It is also agreed, that all other exhibits referred to in the statement of evidence of either party, as annexed to such statement, may be used, in the trial of said case, in the same manner as if said exhibits were annexed to the statement of the evidences in the bill of exceptions; such exhibits to be furnished to the opposite party within ten days from this date.

It is further agreed, that the bill of exceptions shall be allowed, and signed by Mr. Justice Story, wherever he may be at the time when the same shall be presented to him; and that a writ of error may be issued and served with the same effect as if the same was issued and had been served prior to the present term of the Supreme Court of the United States; and that this cause shall be entered upon the docket of said court at this term accordingly; provided that the plaintiff in error, before the service of said writ, give bond according to law, to the satisfaction of the district judge.

SAMUEL Y. ATWELL,

*Counsel for plaintiff in error.*

ALFRED BOSWORTH,

*Attorney for defendants in error.*

PROVIDENCE, January 30, A. D. 1844.

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No. 78.—(A.)

*Proceedings of a convention of delegates of the freemen of the State of Rhode Island and Providence Plantations, met for the purpose of ratifying the constitution of the United States, May 29, A. D. 1790. (See Elliot's Debates, page 223.)*

We, the delegates of the people of the State of Rhode Island and Providence Plantations, duly elected and met in convention, having maturely considered the constitution for the United States of America, agreed to on the 17th day of September, in the year 1787, by the convention then assembled at Philadelphia, in the commonwealth of Pennsylvania, (a copy whereof precedes these presents,) and having also seriously and deliberately considered the present situation of this State, do declare and make known—

That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety.

That all power is naturally vested in, and consequently derived from, the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them.



That the powers of government may be reassumed by the people whenever it shall become necessary to their happiness.

That elections of representatives in legislature ought to be free and frequent; and all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage; and no aid, charge, tax, or fee, can be set, rated, or levied upon the people without their own consent, or that of their representatives so elected; nor can they be bound by any law to which they have not, in like manner, consented for the public good.

That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people in the legislature, is injurious to their rights, and ought not to be exercised.

That no freeman ought to be taken, imprisoned, or disseized of his freehold, liberties, privileges, or franchises, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty, or property, but by the trial by jury, or by the law of the land.

That every freeman ought to obtain right and justice, freely and without sale, completely and without denial, promptly and without delay; and that all establishments and regulations contravening these rights are oppressive and unjust.

That every person has a right to be secure from all unreasonable searches and seizures of his person, his papers, or his property.

That the people have a right peaceably to assemble together to consult for their common good, or to instruct their representatives; and that every person has a right to petition, or apply to the legislature, for redress of grievances.

That the people have a right to keep and bear arms.

Under these impressions, and declaring the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said constitution; and in confidence that the amendments hereafter mentioned will receive an early and mature consideration, and, conformably to the *fifth article* of said constitution, speedily become a part thereof,—we, the said delegates, in the name and in the behalf of the people of the State of Rhode Island and Providence Plantations, do, by these presents, assent to and ratify the said constitution.

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#### No. 79.—(B.)

#### *Report of Benjamin Hazard on the extension of suffrage, in 1829.*

The committee to whom were referred certain memorials, having for their object an extension of the right of suffrage to all white male residents of the age of twenty-one years and upwards, who shall pay taxes or train in the militia, ask leave to report:

That they find nothing in those memorials, either of facts or reasoning, which requires the attention of the house. If there is anything noticeable in them, it is the little sense of propriety manifested in the style in which they were drawn up. The committee have not thought it necessary to inquire particularly how many of the signers are native citizens of the State;

but they are sufficiently informed to be satisfied that a very great proportion of them are not so; and it is ill calculated to produce a favorable opinion of their qualifications—of those of them, rather, who knew what they were signing, (who, on such occasions, are very few)—that persons who have adventured, and are every day adventuring among us from other states or countries, to better their conditions; who enjoy, in common with ourselves, all the protection and benefits of our equal laws, and upon whose departure there is no restraint, should still be restless and dissatisfied unless they can introduce here the political systems of the states they have left; and in recommending those systems, should think themselves at liberty to denounce the whole race of our ancestors, as well as the present freemen of the State, and their government, as enemies to freedom and republicanism, and as having sacrificed justice and principle to self interest. Without troubling the house with any further mention of these memorials, the committee recommend that the memorialists have leave to withdraw them.

The people of this State, we are convinced, have no intention to change the character of their government by introducing a new and untried system of suffrage;—by us untried, and tried by others only to manifest its mischievous effects and the fallacy of the principle upon which it is predicated—in the place of ancient institutions adopted by our forefathers, among the fundamental principles of their association; and since, to the present times, preserved and practised upon as the basis of our elective government.

But as several of the towns, by their instructions to their representatives, have manifested some apprehensions and uneasiness upon this occasion; and considering, especially, that no longer than the elective franchise is preserved in its purity, can the people hope to retain in their own hands the power to protect themselves in the enjoyment of any of their other rights; the committee will proceed to inquire into the source from which that franchise is derived, the basis upon which it rests, or ought to rest, and the dangers to which it is most exposed.

The committee are confident that they shall express the sentiments of the house, when they affirm that the right of suffrage, as it is the origin and basis of every free, elective government, so is it the peculiar and exclusive prerogative of the people, and cannot, without infringing that prerogative, be subjected to any other control than that of the people themselves. If representatives of the people, chosen for the ordinary purposes of legislation, could assume a control over this right, to limit, curtail, or extend it at will, they might, on the one hand, disfranchise any portion they pleased of their own electors; might deprive them of the power ever to remove them; and thus reduce the government to a permanent aristocracy. Or, should they take the opposite course, and degrade the elective franchise by stripping it of all its necessary qualifications and guards; then, instead of its remaining a great privilege and security possessed by the sound part of the community, it would become an instrument in the hands of faction—leading straightway to anarchy, and ultimately to despotism. A State in which the elective franchise can be thus controlled by any power out of the people, cannot, with any truth, be called republican. It is nothing to say that a legislature, chosen by the people, will, it is to be presumed, act with discretion and with a view to the interests of the people. So may an absolute monarch rule wisely, and devote himself to the welfare of the State; but they are not a free people who hold their rights at the discretion of others, one or more.

The principle would remain the same, whether there be written consti-

tutions or not. The rights of the people are not derived from constitutions, nor are they to be encroached upon because the people may not think it necessary to attempt to guard them by means of such instruments; which, after all, very indifferently effect the object for which they are intended. They are, on the contrary, by false or forced constructions, always perverted to justify the assumption of dangerous powers, which the people never meant to grant.

We would not be understood as intimating that this State has no written constitution. The instrument which we place at the head of all our digests of the laws, is not the less our constitution because its name furnishes a theme for cavillers. The people have always held it as their constitution, and have more than once manifested their satisfaction with it. It was framed and agreed upon, as it purports to have been, by the purchasers, proprietors, and settlers of the State; and its character, as their work, was not at all changed by its having been put into the form of a charter. At that time, the people, being colonists, could not avoid submitting to have the usual reservations, expressive of the royal prerogative, ingrafted into it; but independent of these appendages, it was wholly the work of the people, and was purely republican. The whole power of self government was in their own hands. No constitution, before or since the revolution, has been framed—none can be framed—more free and popular. Our separation from the mother country perfected this constitution, by cancelling the conditions and reservations under which we held it, and leaving the work of the people entire. Let strangers, if they please, treat this instrument with levity, and hold it up as a reproach to the State, for the sage reason that it was originally called a *charter*; but let us continue to be proud of it, as a lasting monument of the free, manly, and enlightened spirit of our forefathers, who could at so early a day, and while colonists, frame, adopt, and obtain the confirmation of a constitution of self-government so perfectly republican; and by which all the natural, civil, and political rights and privileges of themselves and their posterity were so amply and completely asserted and secured. It is a striking evidence of the stability of the people of this State, that they have not been infected with the rage of the times for constitution-making; and that they have continued to hold the wise institutions of their ancestors in too high respect, lightly to change them for new models of constitutions, which have nothing peculiar to recommend them, except the unsubstantial allurements of being framed after the revolution.

The earliest acts of every society necessarily mark out the true limits of the elective franchise, and designate those who are qualified to take part in the conduct of their affairs. Not women, or minors, or dependants; not persons incompetent, or persons having no estates; but those proprietors only who are concerned and interested in the business to be transacted, and competent to transact it. These are the original freemen; and from this source the right of suffrage is derived.

Thus our ancestors, the purchasers, proprietors, and settlers of the State, upon their arrival here, by their own act incorporated themselves into a body politic; elected at first their judge and elders, and afterwards their governors and assistants, and other officers. They at the same time adopted a resolution that "none should be received as inhabitants or freemen but by consent of the body:" and by unanimous agreement ordained and declared their government to be a "*democracie, or popular government; that is to say,*" (using their own language,) "*it is in the power of the body of*



*freemen, orderly assembled, or the major part of them, to make or constitute just laws by which they will be regulated, and to depute from among themselves such ministers as shall see them faithfully executed between man and man."* And as others came to join them, and by permission purchased lands, they from time to time admitted to the elective franchise such of them as "*upon orderly presentation were found meet for the service of the body, and no just exception against them."* Such as proved themselves unworthy, they suspended or discharged; and again reinstated such of them as gave proof of better conduct; and none but those regularly admitted freemen were allowed to take any part in the affairs of the government; although it appears, from the separate lists kept of freemen and of inhabitants, that there were many of the latter not admitted.

These were the acts of the freemen—proprietors of Rhode Island. And in the year 1647, the towns of Providence and Warwick came into union with them, and agreed to the *model of government* thus established. In 1662-'3, the united body, styling themselves "*the purchasers and free inhabitants of Rhode Island and Providence Plantations, seized and possessed by purchase and consent of the natives, to their full content, of all its lands, islands, rivers, harbors and roads,*" collected and brought into the form of a constitution the principal ordinances of government they had before from time to time adopted, and obtained its confirmation from the mother country. And under this compact they lived and prospered; and their descendants have continued to prosper as a free State, to the present day.

In 1665, they again turned their attention to the qualifications of freemen; and in pursuance of their constitution, or charter, enacted "*that all men of competent estates, and civil conversation, and obedient to the civil magistrates, shall be admitted freemen, upon their desire therein declared to the General Assembly, either by themselves, with sufficient testimony of their fitness and qualifications as shall by the General Assembly be deemed satisfactory; or if, by the chief officers of the town or towns where they live, they be proposed and declared as aforesaid; and that none shall have admission to vote for public officers or deputies, or enjoy any privilege of freemen, until admitted by the General Assembly as aforesaid, and their names recorded in the general records of the colony."* In 1729, (just a century ago,) they enacted that the freehold qualification should be of the value of two hundred pounds, or ten pounds annual rent; and in 1742, adopted further provisions to prevent frauds on the law. In 1745, they passed the following act, viz: "*Whereas the manner of admitting freemen in this colony is so lax, and their qualifications as to their estates so very low, that many persons are admitted who are possessed of little or no property; and it being greatly to be feared that bribery and corruption have (by the encouragement of evil-minded persons, and by reason of such necessitous persons being admitted freemen) spread themselves in this government, to the great scandal thereof, so that the election of public officers hath been greatly influenced thereby; and as the law already made hath been altogether ineffectual to prevent the same: Be it therefore enacted, That no person whatsoever shall be allowed to vote or act as a freeman in any town meeting in this colony, or at any general election, but such only who, at the time of such their acting or voting as freemen, are really and truly possessed of lands, tenements, or hereditaments, to the full value of four hun-*

dred pounds, or which shall rent for twenty pounds per annum, being their own free estate; or the eldest son of such a freeholder."

Such are the ordinances which our ancestors thought necessary to preserve the rights and liberties of themselves and their posterity; by preserving the elective franchise in the hands of the sound part of the community—the substantial freehold inhabitants of the State. Had they not a right to adopt those provisions? And have not their descendants, and those whom they have associated with them in conformity to those provisions, equally a right to preserve and adhere to them? Or is it, indeed, true, that other individuals, (wherever they come from,) who have never qualified themselves to exercise the elective franchise, and do not possess it, have yet a right to complain that they are disfranchised, and treated as slaves, because the institutions of the State are not broken down to suit their purposes? Such complainers mistake their right; which is, a right to qualify themselves as the laws require—not a right to be voters without such qualification. 'The right to qualify themselves is a right common to all; and the laws prescribing the qualifications apply equally to the whole community, without preference to any. Those who would claim more, would claim "the privilege of anarchy—the privilege to disturb the peace of society."

There are some who pretend to consider the right of suffrage as an inherent, natural right, which every man ought to enjoy. A man's absolute, inherent rights, are, or ought to be, common to all, without distinction of age, sex, or color. Such, for instance, is the right of private property. Is the function of voting such a right? Is it not, on the contrary, one of those political rights which we derive from the society to which we belong, and which, of course, can only exist as a right, according to the existing institutions of that society?

There is no phrase in our language more frequently used, and with less definite meaning, than "nature," "a state of nature." As applied to man, and in distinction to the *state of society*, we know not what is meant by such phrases. Every man necessarily has his first existence in society. He has there his parents, at least, and his kindred; and there he becomes the parent of others. The most limited society is that of a family; and this has its patriarchal government. However small the number of men living together may be, and although they may have entered into no express compact, nor adopted any regulations whatever for their government, they unavoidably act upon and influence each other. Their individual rights are relative, and their actions are regulated accordingly. What is this but a state of society? Hermits and solitaries themselves (if there are such) were bred and brought up in some society or other, from which they have unnaturally separated themselves. The truth is, that, as to man, (a social being,) a state of society is a state of nature, and the only state of nature. The endless disquisitions which have been written upon what is termed "*the condition of man in a state of nature*," upon "*the origin of society*," and "*the nature of the social compact*," might have afforded amusement, if their sage authors and their pupils had contented themselves with dreaming, and telling their dreams, without laboring, to the incalculable injury of society, to have them admired and received by mankind as the great truths and realities which ought to be adopted as the only true basis of practical government. In doing this, they have practised upon their fellow-men, without regard to their welfare, and as objects only upon whom to try their senseless and mischief-



working (or, as themselves would say, philosophical) experiments in the science of government.

Of what importance is it whether we consider the elective franchise as a natural right, or as a *grant* from society, as the term itself imports; when, in either case, it must remain subject to every restriction and regulation which the paramount rights and interests of the community require? The right to acquire, to enjoy, and to dispose of property, is one of our absolute rights. But we can only acquire or transfer it by conforming to the requisites prescribed by law. Nor, if dispossessed of it, can we recover it, but by the remedies also prescribed by law. And, whatever may be the amount of a man's property, if he becomes incompetent to the management of it, it may rightly be taken from his control, and put into the hands of a guardian. It is a common expression, that *a man has a right to do what he pleases with his own*; yet there are many uses to which he is not allowed to put his property, because it would be noxious to the rest of the community. Every man has a right honestly to acquire property, but his right to possess and enjoy property accrues and commences only with the acquirement. So every man is at liberty to acquire to himself the qualifications which will entitle him to the privilege of voting; and when he has acquired them, he will be admitted to that privilege. But, until then, he has no more right to claim the exercise of it, than he has to claim a right to property which he has not acquired and does not own. There is nothing too preposterous or unprincipled to find advocates. If it can be contended that a man possesses an inherent, unqualified, uncontrollable right, without the consent of the society to which he belongs, to do an act (whether it be voting or any other act) by which the interests of the whole community may be affected—his own, perhaps, if at all, in a less degree than those of any other man—those to whom the exercise of the elective franchise cannot safely be intrusted have no more right to complain that it is withheld from them, than have minors or other incompetent persons, whose public interests, great or small, are taken care of by the qualified part of the community—the most trustworthy of all guardians, since it is for their own interest to be so.

The restrictions by which the welfare of society requires the elective franchise to be controlled, do not at all clash with the great truths which we all embrace,—that *the people alone are sovereign, and the source of all power*; that *governments are instituted solely for their good*; and that *the majority ought to govern*. What is it that any man means, when he says that *a majority of the people ought to govern*? In this State, the number of the people is ninety-seven thousand; in South Carolina, it is four hundred and ninety thousand. Is it meant that a majority of these, in either instance, is to exercise the sovereign power, or to elect those who shall govern in their stead? No man, however visionary, entertains such an idea. Every one, in the outset, excludes all but free males of twenty-one years of age and upwards; and most men exclude all but free *white* males of lawful age. But the whole of these, of every description, are but seventeen thousand in this State, and but little over forty-six thousand in South Carolina; and a majority of them, in that State, is less than a twenty-first part of the whole number of the people; and in this State, but a fraction over a tenth part of our population. And when we come further to deduct paupers, persons incompetent, and many others, whom all rational men agree in excluding, the disproportion is still much greater. We have included the slaves



in the population of South Carolina, because, whatever their condition, they are still a part of the people—as much as those of other descriptions, who, on account of other disqualifications, are excluded from the exercise of the right of suffrage. Thus the answer which every man must be brought to make to the question we proposed, is, that when speaking of a majority of the people, he means only a majority of those who are qualified to exercise the sovereign power, and to elect their representatives and officers of government. Who are the qualified sovereign people, can, from the nature of the case, only be decided by themselves; for there are none else to decide it, or to whom to appeal from the decision. If they should exclude any possessing the same qualifications as themselves, (a case, we believe, which nowhere ever happened,) they would act unjustly. But when they admit to the right of suffrage persons not fit to exercise it, as they are always prone to do, then they endanger the liberties of the people, and do an irreparable injury to the whole community.

Can we, then, allow ourselves to doubt that the freemen of the State, in whose hands its safety and welfare are deposited, possess adequate power to guard and secure the elective franchise from abuse, by all the restrictions necessary for that purpose? Or can we for a moment admit that any individual, or class of them, can have any other claim to the exercise of that franchise than the legitimate one, which their possessing the wholesome qualifications required by the laws will always give them.

If it were possible, certainly it would be right, to confine the elective franchise to the sound part of the community; and that none should be intrusted with it but such as are real citizens of the State, have an interest in its welfare, and are friends to their country and its free government. Unfortunately, it is much easier to define the necessary qualifications, than to ascertain how far they are possessed by individuals. But on the side of strict qualification there is no danger. None ever flowed from that source. Those who are to exercise that power from which all other powers are derived, and by whose votes the whole community are to be affected, cannot be too highly qualified, nor their qualifications too strictly examined and exacted. And as it is impossible to contrive any rule by which to ascertain the moral and civil qualifications of men, we must be contented with adopting such a general one as will be most likely to insure the greatest safety, with the fewest exclusions.

It is well expressed in the bill of rights of one of our sister States, that “all men having sufficient evidence of permanent common interest with, and attachment to the community, have a right of suffrage.” This is sound as general principle, but is not sufficiently definite for a rule of practice. A permanent interest is in all cases the surest, and in most the only evidence of attachment to the community. For although a citizen-born, unless he is an unworthy and an unnatural one, will be likely, under any circumstances, to feel some attachment to his native State; yet from others we may not expect such attachments, unless they have a permanent interest at stake in the State, and have adopted it as their permanent place of residence. And then their attachment is but a secondary one, and is generally measured by their interest, and not much to be counted upon until after a long term of residence and trial. We know, therefore, of no better general rule by which to regulate the right of suffrage, than the rule which requires that most probable evidence of permanent interest and attachment which is furnished by the ownership of property, and by actual permanent citizen-

ship. Let us particularly consider each of these qualifications, that we may satisfy ourselves whether either of them can be dispensed with. The ground on which a property qualification appears to be founded, is, that the right of property is one of our great, natural, and absolute rights. We have, individually, a personal right to defend it; and a claim upon society for its protection against the encroachments of others. Those, therefore, who have acquired property, and possess this right, and have an interest in its protection by wholesome laws and a good government, ought to have a voice and influence in the enactment of those laws; and in the government. It is usual to speak of property as of little value, compared to life or liberty; and this, no doubt, is true, if we amuse ourselves with such comparisons. It may be of little consequence to others what amount of property is possessed by any individual. To society it is of vastly more importance that every man should be secure in the possession of a single foot of land, or a single dollar, than that he should be the owner of a township. But to weigh our great natural rights against each other, in order to ascertain their relative value, is mere speculation. They cannot be so weighed, for they cannot be separated. Where there is no security for the right of property, there can be none for any of our other rights. Nay, it is only through attempts against this right, that our other rights can be assailed; so far is it from being true, that the right of property is of minor importance. Break down the barrier by which that right is protected, and all will be rapine, violence, and bloodshed.

Thus the whole science of legislation and jurisprudence is exercised in application to the rights of property. All the acts of government—nearly all the provisions even of our small penal code—are referable to the same source—the protection of the rights of property. Nor can the liberties of the people ever be in danger where the rights of property are perfectly secure; for it is power over the territories, wealth, and resources of a State, which at once forms the temptation, and furnishes the means of usurpation. So long, and only so long, as any government can effectually be restrained from touching any more of the private property of the citizens than is necessary for its faithful administration, it will never be emboldened to become careless of its dependence upon and responsibility to them; since it will not have it in its power to surround itself, to any alarming extent, with those hosts of mercenaries, civil as well as military, (especially the former, always the most unprincipled and dangerous,) which can only exist upon the spoils of the people.

By security in the rights of private property is not meant merely "the impartial administration of equal and expedient laws," (which is said to be a good definition of civil liberty,) for such laws may be made, and so administered, by a despotic government; but the citizen, or rather the subject of such a government, has no security for the continuance of the blessing. He holds it not as his right, but at the sufferance of his ruler. The only security for the preservation of this right is, that those who possess the right should possess the power to protect it.

And if these are sound principles, it seems to follow, necessarily, that those who have no property, or less than the laws now require, as a qualification, are not likely (speaking of them as a class, and not meaning to apply the remark to every individual) to feel a common interest with the rest of the community in the protection of the right of property, nor in the general object of legislation, nor in the wise administration of justice; and if so, that

it cannot be wise, or safe, or just, to intrust them with power and control over those subjects.

To remind us that the possession of property is no certain proof of the possession of virtue or patriotism, is advancing nothing inconsistent with the fact, that those who do possess property must necessarily feel a stronger interest in the preservation of the right of property. And thus it is certain that even the vicious and unprincipled among this class are generally friendly to wise and equal laws, and to able and upright courts. Their viciousness is shown in a disposition to evade the execution of those laws in their own individual cases; and even in this, the more they have at stake, the less likely they are to trespass on the laws which protect them. We must recollect, also, that a great portion of those who are without property have reduced themselves to that condition by their own improvidence, extravagance, or vices; and are, therefore, in all respects, unfit to be intrusted with any control over the property or rights of others.

The other principal evidence of qualification—permanent citizenship—is at least as essential as that of property. Who, that do not permanently belong to the State, can have a right, or can, with safety, be permitted to have an agency in its laws and government? None, indeed, can feel that attachment to the institutions and peculiar customs of a State—that respect for the memory and principles of its founders—that pride in its character and standing as a State, and that deep interest in the maintenance of its rights and privileges,—none like those who have been bred and brought up in its bosom. Surely, then, if any others are to be admitted to share equally with these, the powers and prerogatives of governing their own native State, it ought to be those only who have adopted it in preference to all other States, as their permanent place of residence—the only home of themselves and their offspring. Even these, as we have before observed, cannot feel the same strong interest in it as native citizens. Their ancestors were not among ours. Their natural connexions are in other places; and their habits, attachments, and predilections have been formed before they came. What, then, can we expect or claim of those who come merely with a view to some present object of gain; to seek for some business or employment, to make trial of among us, to be pursued or not, as they may find their account in remaining here a longer or shorter period for that purpose?—persons who leave their native homes from necessity, and whose constrained absence serves to strengthen their attachments to them: their distaste to all other places of residence; their hopes of some day returning to their homes, there to enjoy the fruits of their enterprises abroad. What claims have these upon us, more than to the rites of hospitality and the protection of our laws?

There would be nothing to apprehend from this source, if none but substantial citizens from sister States came here to reside. But such as these are under no necessity, and few such have any inclination, to turn their backs upon their native States. There are exceptions, certainly. We have a number of very valuable fellow citizens who are natives of other States. These, we trust, make no complaints that they are not sufficiently honored and distinguished among us. But many, if not most of those who come, are not of the same description. They bring little else with them than the pride of belonging to larger and (in their estimation) more respectable States, which they consider as quite sufficient to entitle them to distinction here. But the evils resulting from the admission, upon too slender qualifications, of native citizens of sister States who come to reside here, are driven wholly



from our thoughts when we come to reflect upon the dangers to be dreaded from the indiscriminate (in many States actually indiscriminate) admission of strangers from all quarters of the globe—of all nations, races, tribes, and tongues, to the exercise of the elective franchise; as if it were a worthless thing that could not be abused. Truly, of all the countries upon the face of the globe, this, our country, is the most bountiful—bountiful, we fear, to its own destruction. As if the American people could not, of themselves, enjoy the fruits and bounties of their country, because they were the lords of a territory ample enough to afford the same blessings to their posterity through a thousand generations. As if the descendants of those who made the country their own, and made it sovereign and independent, were not able to protect it, or to preserve the blessings bequeathed to them, our government stretched out its arms, and invited to the bosom of the country the overflowings of all nations; invited them, not only to come and help us enjoy the good things of the land, but to take part in governing us and our country. It hastened to provide laws for “*naturalizing*” (as it is termed) and incorporating with American citizens all who should be brought—all of the color called white, and who were not called slaves, however abject and servile their actual condition might be. And to protect them not only here, but on the seas, against the claims of their native countries, a second national war was (professed to be) engaged in; for the prosecution of which, the blood and resources of the people were staked and freely expended, and the nation burdened with a debt of millions. No wonder that such substantial allurements were not held out in vain. Since the creation of the world, never were such captivating prospects presented, not only to the forlorn, depressed, and debased, but to the restless, ambitious, and aspiring of all countries. No wonder they came, and continue to come, by myriads; those who could not otherwise get here, selling themselves for a term of years to any trader who would buy and bring them. The importation of this staple commodity became a regular branch of business, and upwards of twenty seven thousand head were imported from Great Britain alone in a single year; a number nearly equal to a third of the whole population of this State. What numbers were brought from all other countries in the same year, we cannot tell. A single merchant or mercantile house in New York, we are informed, now keeps no less than eighteen ships, wholly and constantly employed in this business of importing and supplying us with fellow-citizens and freemen. What the whole mass, accumulating, as it has been, for near half a century since the establishment of our independence, now amounts to, it is beyond the powers of calculation to ascertain.

We shall not be understood as meaning to include all who come here in a general description of the common mass of emigrants. We know that there are many highly respectable foreigners who have adopted this for their country, and who would be an ornament and a valuable acquisition to any country. There are also among them many sober, industrious, skillful people, employed in the humbler, and to us quite as useful, walks of life. Our remarks are applicable to the vast multitudes of a different description; a great majority of whom were, in their own country, in as degraded a condition as men can be brought to by abject servitude, poverty, ignorance, and vice. What consciousness of the dignity and rights of man, what conceptions of the principles of free republican institutions, can such as these have?

The late Mr. Jefferson, in his “Notes on Virginia,” speaking of the im-

policy of encouraging emigrants to this country, who, he says, come mostly from despotic monarchies, makes the following remarks: "They will bring with them the principles of the governments they leave, imbibed in their earliest youth; or, if able to throw them off, it will be in exchange for unbounded licentiousness, passing as usual from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. 'These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation; they will infuse into it their spirit, warp and bias its directions, and render it a heterogeneous and incoherent distracted mass.' Yet, to such as these, all honors, offices, and emoluments here are freely open. The late law of the United States, requiring foreigners to be propounded a certain time before being naturalized, was intended to correct the evils experienced under former acts. But it affords merely a temporary and very partial relief anywhere; and in some States foreigners are admitted upon a few months' residence, whether citizens of the United States or not.

The evils we have thus entailed upon our posterity, and are experiencing ourselves, were inevitable. The hosts of new-created freemen were soon too numerous not to feel their strength, and make it to be felt. Not contented with exercising the right of suffrage individually and quietly, they organized, or rather were organized by their aspiring leaders, into *affiliated* political societies, bearing their proper national names. 'These societies, established in most, if not all, of the principal cities, kept up a correspondence with each other; held their political meetings; passed resolves, approving and denouncing men and measures; nominating and dictating who should be governors, senators, and representatives, State and Federal; and even selecting their man for the presidency and vice presidency of the United States. Nor are their resolves mere idle boasts or threats. They have been considered so powerful, that propitiatory addresses and appeals are made to them, soliciting their countenance and patronage in behalf of candidates for the highest offices in the gift of the people, not excepting the presidency itself. The control which these societies and people thus exercise over some of the largest States, and particularly over the great cities, is almost unlimited.

The grand schemes of internal improvement, which of late years have been so extensively embarked in, by inviting the loose floating part of the foreign population to migrate from State to State, enables multitudes of them to exercise the elective franchise in the various States where those schemes are in prosecution—particularly those States which require but a short term of residence, and no qualifications at all. And we are assured that several thousand of these free suffrage men who were canalling and road-making, under their superintendents, in one of the most populous of the western States, by their votes were the means of displacing some of the most valuable of its representatives to Congress, and had a great effect in the choice of the presidential electors, if they did not turn the scale, in that State.

The people of those States (and we may rejoice that the New England States are such) which are so fortunate as to possess few temptations for these emigrants, have been left, unmolested, to manage their own State affairs as they were managed by their fathers before them. But no State can escape its share of a national misfortune. The relative weight and influence of the States, and the apportionment of State repre-



sentation in the Federal Government, are greatly affected by the vast amount of foreign population. And the character of a large portion of that representation is also affected by the same influences. Nor can it be supposed that the National Government itself will remain wholly unaffected by them. But those influences are most blighting to the morals, principles, stability, and character of the nation itself. How can a country, whose native citizens are undistinguished, and can exercise no prerogatives but in common with an immense, multitudinous, and exotic population—strangers to one another, as much as to the native citizens,—how much can such a country hope ever to attain to that exaltation of national character, without which a nation may become powerful for a time, but can never be great and renowned? There was nothing of which the great ancient republics, as long as they remained uncorrupted, were so proud and tenacious as of the right of citizenship. No strangers were ever honored or trusted with them, but upon some signal service rendered to the State; and all were held to be strangers to the country, but those who were inheritors of its glory and bound in its destinies. Thus every citizen was allied to his country, and identified with it; and hence that inextinguishable spirit of patriotism, that innate love of country, that devotedness to its glory, and that lofty pride of national character, which signalized the people of those States, and carried them to heights of grandeur and power to which the world paid homage. To be called “a Spartan,” “an Athenian,” or “a Roman,” was greater honor than to be a prince. Nor is their fame still at all diminished. Even to this day, all civilized people employ the terms “Grecian” and “Roman” to designate whatever they deem most perfect in the arts, in eloquence, refinement, and wit, in language, history, and poetry, as well as in virtue, patriotism, heroism, and glory.

But this our infant nation claims the merit of making *a new and lively experiment in republican government*; and there is every reason to believe that the experiment would be successful, if its success depended upon the American people, with a view to whose character and principles the new government was framed. But this has not been permitted by our second race of philosophers. We must be universal philanthropists. We must not only preserve equality among ourselves, but must make all mankind equal with us. No matter how worthless the materials, the moment they are brought to our hands, they are to be converted into republicans and patriots—*American* patriots; and they shall instantly become high-principled and enlightened freemen, shall perfectly comprehend all the principles and purposes of our republican institutions, and shall be rulers over the land.

It is but forty six years since our independence was acknowledged, and no more than fifty three since it was claimed. Once in every year we celebrate its era; and then we rehearse over the deeds and virtues of our ancestors; their enterprise and hardihood; their perils, trials, and sufferings in this then immense wilderness; their unconquerable spirit of republicanism; their achievements, triumphs, and final success. And well may we be thus proud of the past. But we can feel little pride in the reflection that this same country—so gained and settled, once so peopled, enfranchised, exalted, and ruled by a race of patriots and heroes—already has become everybody's country; and that a real *American* descendant of that race is now almost a stranger in his native land.

We are called a new country, and a young people, who are trying a new experiment in a free government; and thus we are flattered into the grate-



ful persuasion that ours are a virtuous people, unbackneyed in the vices and corruptions of the old governments and people. This is a most dangerous error. Our government, to be sure, as an independent one, is new; and so is the country a new one, and ought to be the parent country of a young and virtuous race of people. But the fact is, that, new as the country is, it is already, in a great measure, in possession of a population as perfectly initiated in all the mysteries of vice, as conversant in all the scenes of depravity, and as old and ripe, as the population of the oldest countries, of which it made a part before it got here—and by no means a better part. In short, that it embraces every grade of people, of every description and character, that can be found in any of the oldest and most depraved countries of the Old World.

Can there be any stronger reason for guarding, while we may, the elective franchise with the greatest vigilance and strictness, that it may be preserved as long as possible in the hands of the sound part of the community?

Whether this has been a healthy growth of the nation; whether Americans are made happier or more virtuous by means of this accumulation of heterogeneous foreign population; whether three millions of American citizens, who composed the nation when its independence commenced, with all the means of subsistence in the greatest abundance, would not have multiplied sufficiently fast; whether the genuine descendants of the great founders and fathers of this nation would not have inherited their virtues, their love of freedom, and their immovable firmness and spirit in its maintenance; and whether such an uncontaminated race of native freemen would not have attained to a loftier elevation of national character, and have exalted their nation to higher destinies and a more commanding rank among the nations of the earth;—these are considerations which it is now painful, because useless, to dwell upon. Nor can it be necessary that we should dwell upon them, in order to convince ourselves how infinitely important it is, that, if we do not strengthen, we should at least do nothing to impair the strength of those institutions by which alone the management of our own State and its concerns can be preserved in the hands of its own substantial, legitimate freemen.

Those who do not raise their thoughts to the elective franchise as the only safeguard of the people's rights, and value it only as it may be made most available in the political market, are, of course, inimical to all provisions calculated to preserve it in its purity, and most of all to those requiring a freehold qualification. Our ancestors foresaw, from the beginning, that the ownership and possession of a competent freehold in the town where the freeman is to vote, would prove to be the only sure evidence either of actual citizenship or permanent interest in the town or State. The public records show the title to the freehold, and its value is apparent; or, if questionable, is ascertained by appraisers. But, if a pecuniary or personal property qualification were to be substituted, what evidence, in the slightest degree to be depended upon, could be expected in one case out of a hundred? Loose, verbal declarations, to be sure, would not be wanted as long as votes are wanted; and, by means of them, any number of vagrant voters might be transplanted into any and every town in the State. In those States where the experiment has been tried, it was found to result in worse than universal suffrage; it was universal suffrage brought about by perjury, bribery, and corruption. In addition to the frauds committed by means of false swearing, it was the practice to provide some article valued

at the amount required. A watch, for instance, which was made to serve for any number of recruits, who, thus qualified, were marched up to the polls one after another, attended by a guard to prevent any of them from running off with his qualification.

To free themselves from this prostitution of the elective franchise, the States which had felt its effects resorted to an expedient in vogue in most of the other States. By that expedient, the payment of a tax is the only evidence required of the voter's property. This scheme is not liable to the same objections as the other, on the score of frauds; but comes almost, if not quite, as near to universal suffrage. For nothing but actual pauperism is in fact excluded, when the right of suffrage may be thus bought for a mite, in the name of a tax, twice the amount of which a dexterous beggar might, perhaps, acquire by his trade every day in the week. This tax qualification, therefore, is, in truth, merely a nominal one. It furnishes no evidence either that the voter is worth anything, or is any more than an occasional, temporary resident. In short, it does not afford the slightest security to the elective franchise. It is also a strong objection to this species of qualification that it rests with a set of assessors to make and unmake freemen at pleasure—a power which they may sometimes be tempted to exercise with a view to the support of the party they belong to, and upon which they depend for their posts and emoluments.

We all remember the frauds upon the right of suffrage, by means of spurious deeds, which were formerly practised even in this State, where that right was so strictly guarded by our election laws. Those frauds at the time furnished an argument in favor of universal suffrage, on the ground that all regulations were futile and abortive. It is true that they could not here be practised to any alarming extent, and have since been effectually suppressed. But the recollection of them ought to make us aware of the desperate extremities to which party men, in high party times, (each party condemning the practice as unprincipled, but justifying itself by the example of the other,) will go to effect their purposes.

But those who favor universal suffrage, make no account of such considerations. They would not allow public safety and welfare to have any weight in competition with what they denominate republican principle. We do not forget that they profess not to be in favor of universal suffrage; but the doctrines they advocate result in the same thing, and nothing better. It is assumed, as a great principle, (of some kind or other,) that all who contribute towards the support of government by paying a tax, or training in the militia, or (according to some) by working on a highway, have a right to a voice in the choice of their rulers. Thus, if a set of assessors rate a man for a shilling tax; or a militia captain puts his name on the roll and gives him a holiday, training, and treat; or if a surveyor calls upon him (a stout foreigner, perhaps) for half a day's work (or play) upon a road—which the man would not be likely to decline, when, as the price of it, he is to possess himself of a valuable privilege always commanding a price in the market;—in either of these cases, the man is to be transformed at once into a freeman. And men thus qualified are to be hailed as part of the sovereign people, and marched up to the freeman's meeting, there to balance the votes of as many of the most substantial native freeholders and freemen;—and that, too, in questions which may vitally affect the very safety and welfare of the State. What wretched conceptions must that man have of the importance of the right of suffrage, who can thus estimate it! Is there



any such preposterous principle as this,—that fixes a petty price upon the elective franchise, without regard to fitness or unfitness for the exercise of it? Whoever pays a tax, pays it for the protection which the laws extend to himself and his property, (if he has any;) whoever works on a highway is required to do so because he has the use of it; and whoever trains in the militia is required to do so by the laws of Congress. But does either or all of these acts furnish any evidence that the man is qualified, or at all fit to be intrusted with the exercise of the all important right of suffrage; and to interfere in the affairs of government? And is he to exercise that power, whether fit or not? It is true that the possession of a freehold estate is no positive proof that the possessor is worthy to be a freeman. But making all reasonable allowances for exceptions, the probability is, that those who possess, and especially those who have acquired for themselves a competent freehold, are more industrious, prudent, and substantial; are more permanently settled, and feel greater interest in, and attachment to the State, in which they are owners and cultivators of the soil, than those who have either squandered the inheritance earned for them by their fathers, or have failed to acquire any for themselves; although the acquisition was to be accompanied by this so much coveted right of suffrage. We are aware that there are many worthy citizens not possessed of the freehold qualification. But these are constantly acquiring it for themselves. And, in this country, almost every man of industry and good conduct—every good citizen, in short—is almost certain speedily to acquire (if he will) a sufficient freehold qualification. And, in the meantime, this class of citizens, equally with all others, enjoy the benefit of the wise provisions by which the elective franchise is guarded from abuse. Still, it is true, there will remain some wholesome citizens, whom ill fortune and unavoidable circumstances prevent from qualifying themselves. Of these, we hope there are but few, and we regret there should be any. They will reflect that no general rule can be made so perfect as to be free from all exceptions; and when they see the management of affairs in the hands of the substantial part of the community, (as far as this can be accomplished,) they will not desire that a general rule, best for the whole, should be broken down or relaxed on their individual account, when that prostration of the rule would take away all value from the privilege itself, by letting in at the same time multitudes of others, of a different character, to exercise it without regard to the welfare of the community. Nor do we believe that any complaints are made by this class of citizens. We know that most of those who do acquire sufficient freeholds are seldom in any haste to qualify themselves to take a part in the political intrigues and contests of the day. And most of them are urged forward to be propounded and admitted, and to attend town meetings, by persons who take more interest in the matter than they do themselves.

There is one other class of citizens of whom we have not taken any notice: we mean those who do possess sufficient property to qualify themselves, and do not choose to. Such persons have as little right to complain as those who do possess sufficient freeholds, and will not be at the trouble of having themselves propounded; as little right as they would have to complain that carriages are not provided for them, at the public expense, to carry them to town meetings. If any of those who, having it fully in their power and at their own option to qualify themselves for voters as soon as they please, are so indifferent to the privilege, or so engrossed by more profitable pursuits, or so greedy that they will not spare the small sum of one hundred



and thirty four dollars to purchase a freehold, because it might give them a little less profit, they ought, at least, to remain quiet and peaceable citizens. For should any of them, instead of qualifying themselves like good citizens, suffer themselves to be drawn into mischievous cabals, and to act conspicuous parts in clamorous and disorderly meetings, set on foot by troublesome demagogues and noisy political agitators, to answer their own purposes, they would give but a poor promise of their suitableness to become freemen; and the longer they continue unqualified, the better. We are, however, persuaded that there are very few, if any, of such a description of persons. Complaints such as we now hear are almost always made, not by, but in the name of, those who are (or would be if left to themselves) perfectly satisfied with things as they are.

Thus some people are greatly scandalized at the privilege of oldest sons to be voters, when, probably, there is no instance of complaint on that score from the brothers. But it seems that this is a monstrous feature in our system, because, in feudal times and countries, the oldest son was sole heir to the estate of the father; and as we have abrogated that doctrine, and declared all the children to be equally entitled to inherit, it is inferred that if the oldest son is admitted to be a voter, the others ought equally to be admitted. This seems to us not to be very good reasoning. The right of the oldest son to vote is not derived from the father, nor has it any connexion with the inheritance of his property. If it had, the daughters ought to share in it as much as the sons. But it is a privilege granted to that son by the freemen, and does not in any way diminish or detract from any right or claim of his brothers or sisters. Suppose the oldest son possessed no such privilege, and the subject was now, for the first time, to be considered by the freemen;—what conclusions would they probably come to? They would, no doubt, be desirous of extending the privilege to as many of the citizens as could be safely intrusted with it; and if they should be of opinion (as it is probable they would) that it would be safe in the hands of sons of freeholders and freemen, though it might not be in the hands of those who are neither freeholders nor sons of them, they would then consider whether it should be extended to all, or a part of those sons. It is not to be conceived that the freemen would be disposed to make any unnecessary distinction between their own sons. But here it would forcibly occur to them that to extend the privilege to all their sons, would make a very unequal distribution of influence among those who had many sons and those who had few or none. They would, therefore, necessarily and properly discard this plan; and, as the most equal one, in which all would be likely to agree, they would give the privilege to one son only of every freeman having a son: and this, as a matter of course, would be the oldest son. For, if there were no reasons for preferring, there could be none for passing by him, when establishing a general rule, by which one only of the sons can be taken. And if all the sons of the freeholders were to be consulted, there can be no doubt that they would make the same selection. The privilege is not granted (as some suppose) as a favor to the oldest son, with a view to distinguish him above his brothers, but because it is deemed safe and expedient that it should be exercised by some one of the sons; and the oldest is fixed upon by common consent. He is more easily designated than others. A second or third son might not exist; and to select the youngest would be going out of the way to show a preference. The privilege, besides, in many cases, would remain unenjoyed for years by the youngest son, while it might be enjoyed

if in the hands of the oldest. He is presumed to have more experience and maturity of judgment. In all well regulated families, the elder brother is looked up to by the younger part of the family not only with affection, but with respect and confidence as their safest friend and adviser, next to their parents. He is taught to be so by those parents; and expected to supply their places, to the utmost of his power, when their own parental care should be withdrawn. And he is generally sensible of the sacredness of the trust, and faithful in the observance of it. Those who would mar such family ties by exciting jealousies in younger brothers against the elder, because he temporarily exercises a privilege which one of them only can exercise, are but indifferent friends to society. If, then, the sound judgments of the free-men would lead them to approve of such a rule, if it did not already exist, they would hardly be deterred from adopting it, by being reminded that, in old feudal countries, oldest sons are sole heirs to their fathers' property. Nor would they believe that any principle of justice required them to deny the grant of a privilege to one of their sons, because they would not make similar grants to all the rest of them. With regard to the general operation of this provision, we believe that it materially favors the middling and poorer classes of freeholders, who, in numbers, greatly exceed the more wealthy class.

Upon our principal subject—the necessity of requiring a freehold qualification—we have only further to remark, that it has a strong tendency to check the monopoly of large landed estates in the hands of a few individuals; and operates as an incitement to meritorious young men to acquire for themselves a privilege, from participating in which many, though not all, of the unworthy are excluded,—a privilege which ought to be intrusted to those only who are profoundly sensible of its importance, and of the responsibility which the possession of it imposes upon them.

We have often been told how far we are behind our sister States in our conceptions of free government; and have been called upon to follow their example, and act upon their enlightened views of the universal right of suffrage. It would be wise for us to profit by the wisdom of others; but not wise to surrender our own judgments to theirs without conviction. Let us, then, take such a view of those provisions in other constitutions, which relate to this subject, as will enable us to form a just estimate of the improvements they are supposed to contain.

Of the twenty-four States already embraced in the Union, Virginia and Rhode Island require a freehold qualification for voters. Connecticut requires a freehold of seven pounds yearly value, or the payment of taxes, or one year's service in the militia, (unless excused,) and that the voters *shall have gained a settlement in the State*; and turning to the laws of that State to ascertain what the applicant has to do to gain a *settlement*, we find that if he comes from a *sister State*, he must reside at least one year in the town in Connecticut where he is to gain his settlement, and must be possessed, in his own right, in fee, of real estate in that State of the value of three hundred and thirty four dollars, free of incumbrance, the deed of which shall have been one year on record; and without such substantial recommendation, he gains no settlement, unless especially favored by the authority of the town. *Maryland* requires a freehold of fifty acres, or property to the amount of thirty pounds. *North Carolina* requires a freehold of fifty acres to vote for senators; the payment of taxes to vote for county members; and a freehold to vote for town representatives. *South Carolina*, a freehold of



fifty acres, or payment of taxes. *Tennessee*, a freehold in the county where the vote is given, unless the voter is resident there. *New Jersey* requires fifty pounds *proclamation* money, clear estate. *New York* requires that the voter shall pay taxes, (unless exempted,) or serve in the militia, (unless excused,) or be assessed to labor on the highway; in which case he must be three years an inhabitant of the State, and one year of the town or county where he votes. *Mississippi* requires payment of taxes or enrolment in the militia. Seven other States, viz: *New Hampshire, Massachusetts, Pennsylvania, Delaware, Ohio, Georgia, and Louisiana*, require only the payment of taxes as evidence of property. The remaining seven, viz: *Maine, Vermont, Kentucky, Illinois, Alabama, Indiana, and Missouri*, require no property qualification, nor any equivalent or substitute. The constitutions of all the States, except three, *expressly* exclude females. In two of those three, they are excluded by *construction*; and in the other (*New Jersey*) where females formerly voted, in high party times, they are now excluded by *act of the legislature, amending the constitution*. Thirteen of the States expressly exclude all people of color. The other eleven, viz: *Maine, New Hampshire, Massachusetts, Vermont, New York, New Jersey, Pennsylvania, Maryland, North Carolina, Georgia, and Tennessee*, admit, or do not expressly exclude them. But one of these (*New York*) makes a marked distinction between her white and her colored voters; requiring of the latter freehold estates, for which they pay taxes of two hundred and fifty pounds value, and three years', instead of one year's, residence. One State excludes paupers; another, paupers and persons under guardianship; a third adds Indians not taxed, to these exclusions. Connecticut requires the qualification of a good moral character; and Vermont requires peaceable and quiet behavior and an oath. Pennsylvania and Delaware allow the sons of voters to vote for one year after coming of age. Every State requires a residence of a shorter or longer time, from three months up to three years. Every State excludes all under twenty-one years of age. Five of them only require citizenship of the United States.

Such are the various modes in which the elective franchise is disposed of by the constitutions of different States. And who can fail to perceive in them those incongruities which always show themselves when impracticable theories are attempted to be strained into practice? While reading some of them, we could not have been greatly surprised to have found it solemnly ordained, that *no qualifications of any kind are necessary, or ought to be required, to entitle men freely to exercise the elective franchise at all times and in all places, wherever they may happen to sojourn*. And yet, after all the sacrifices made of practical utility and public safety to theoretical right, the same instruments, in every instance, contain other features wholly irreconcilable with that predominant doctrine. By what right is it that the whole of one of the sexes are unceremoniously excluded? They are as intelligent, discreet, and industrious; are more highly cultivated, and more correct in habits, manners, and morals; and what is of great importance, they are generally more permanent residents in their native States; more identified with, and more strongly attached to them, than our own sex. Their claims, therefore, are quite as strong as those of the sex by whom they are excluded. And why, then, are they excluded? Those who are influenced only by considerations of public utility, are at no loss for an answer. The exercise of the elective franchise, as it is everywhere



exercised at the polls, would be inconsistent with those peculiar virtues and characteristics of the sex; and would impair those social ties and relations which ought to be held sacred. It is *expediency*, therefore, and that only, which justifies the exclusion. The abstract principle of right, upon which the constitutions we speak of are professedly based, forbids such exclusions. How, then, can those who profess to act upon that principle justify a flagrant violation of it, upon the plea of *expediency*, which in most other instances they sacrifice to it? If practical public utility is to be consulted at all, it ought to be consulted throughout, as the only sound principle of action; and it is an abuse of that principle, and of the very name of *public good*, to resort to it only when we have no other means of escaping the too glaring absurdities which our favorite systems and theories would run us into. Where, then, is the consistency of those constitutions, which, professing the principle of a universal right of suffrage, exclude, at a sweep, the most meritorious half of society on the score of sex, and one half of the remainder on the score of age; and then proceed to admit Indians, negroes, and others called people of color—all persons, in short, of every description, not excepting paupers, persons under guardianship, foreigners, strangers, servants, dependants, or convicts even, and without the least regard to qualifications of any kind?—as if all living things in the human shape (except females, and those who lack a single day or more of the precise age of twenty-one years) are worthy agents to exercise the power of appointing those who are to rule over the people, and to hold in their hands the lives, liberties, rights, and property of the whole community.

It would seem that men fond of theories, are ever most attached to those which are most visionary and baseless. Nothing short of such a propensity could, we think, have blinded any rational man to the impolicy of admitting people of color, upon any terms, in this country, to the exercise of the right of suffrage. Without insisting that the African race labor under any peculiar mental or physical disabilities, it is enough to remark, that different races (if we may not say different species) of men can never be so far assimilated as to embrace the same views of the common good; or to unite in pursuing the same common objects and interests. What, then, must be the consequences when a distinct race of men, whom nature herself has distinguished by indelible marks, and whom the most zealous asserters of their equality admit to be, if not a distinct species, at least a variety of the human species, are invested with the right of suffrage, and brought up to the polls to act a part in the political contests with which the country is continually agitated? Whether justly or not, they will always continue to be looked upon, and treated, as an inferior order of beings. And they, on their part, will never cease to remember, with feelings of bitterness and hatred, the long abject condition of their species. No degraded race of men was ever yet satisfied with being raised to a footing of equality. They never feel that equality, nor believe it to be acknowledged by others. They remain unsatisfied until they have gained an undisputed ascendancy. It is not in nature for them to feel grateful for the grant of privileges which they consider as their own by right, and as having been tyrannically withheld from them. On the contrary, every step they are advanced does but strengthen the hostility of their spirit, by giving them a nearer prospect of triumph and revenge. There are few, we believe, so infatuated as to think that this race of people can ever be so incorporated into the mass of society as to form one identical people, freed

from all traces of former distinction. Nothing, indeed, but the most depraved taste, feelings, and principles, can bring any man to wish for such a condition of things. The laws of our nature will not be suspended, or changed, to realize the speculations of dreaming theorists. But until this shall come to pass, this peculiar race must remain by themselves and act by themselves—not in harmony and as equals, but in subserviency or hostility, or both, by turns. If in New England these evils are less perceptible, it is only because the source of them is more confined. Yet even here, in some of the large cities, where the people of color chiefly resort, much trouble and inconvenience have frequently been occasioned by them. But in those States where slaves are held, and must of necessity continue to be held, however reluctantly on the part of holders, the most serious evils must result from the admission of a mixed multitude of freed blacks and people of color, to form an intermediate class between the slaves and the proprietors. An ill-boding connexion and intercourse will be kept up between the free people of color and the slaves, tending to render the latter discontented and unruly, and leading to continual plottings and mischiefs. We are far from being advocates for slavery; but we are convinced that great as the error of introducing slaves into this country may have been, it would be a far greater error and evil even to resort to the experiment of converting them into freemen in the same country in which they are held as slaves. Such an experiment would only end in the final extermination of those people themselves, as well as in the destruction of great portions of those by whom they are held.

But the feature in the constitutions we have been speaking of least in harmony with the doctrine of universal right of suffrage, (which, in other respects, is carried to such extremes in those instruments,) is the striking difference they make in the qualifications of the electors, and of those whom they are allowed to elect. In none of those States (except Connecticut) can a single one of the electors, who is barely qualified to act as such, be himself elected a representative, much less a senator. In most of those States a senator or representative (with some difference as to amount) must possess a clear freehold estate of very considerable extent, from one hundred to five hundred acres, and of value from one hundred pounds to one thousand dollars. In one State, the freehold must be worth five hundred pounds sterling; and in another, a thousand pounds sterling clear of debt. And where real and personal property together make the qualification, the amount required is still much greater. In one State, in addition to a freehold of five hundred acres, the candidate must *own ten negroes*. The term of residence, also, must be much longer than is required for voters, viz: from one to seven years; and the candidates must be of more mature age, viz: from twenty-two up to thirty-five years, in different States.

Could the framers of those constitutions more clearly have manifested their own consciousness of the extreme worthlessness to which they had degraded the elective franchise, and their apprehensions of the ruinous consequences which must result from that degradation, than in this attempt to guard against those consequences, by an expedient so inconsistent with the principle they had acted upon in regulating that franchise? Considering the claim to be a voter, and the claim to be voted for, (or not to be excluded from being voted for,) to be of precisely the same character, and that, if there is any positive right in the one case, there is the same right in

the other, we cannot perceive the consistency of prohibiting those who have the right to vote from voting for one another, or for any other persons except those pointed out to them.

Upon this view of the constitutions of other States we beg leave to inquire wherein the freedom of the people, as regards the elective franchise, is better consulted and secured by any one of those constitutions than it is by our own institutions?

Your committee are too deeply impressed with the importance of the subject referred to their consideration, to close this report without presenting at least a partial view (since they can do no more) of the dangers by which a free people are encompassed, without hope of escape, when the elective franchise is suffered to fall into the hands of those who are at all times the fit and ready instruments of ambitious individuals. Power over the people and their rights, in a free State, can only be obtained, in the first instance, by the aid of voters. That a great portion of the community make it the study and business of their lives to possess themselves of as much of this power as possible, and, by means of it, to support themselves at the public expense, we know full well. But how it is that this distinct class of people succeed, and invest themselves with offices and honors, with fees, salaries, and emoluments, when, if compared with the rest of the people, in point of worth and merit, they would be found to be below an average—how it is, in short, that the people themselves are used by the politician as the implements of his trade,—this mystery we can only comprehend by considering the mixed materials—the various classes and descriptions of people of which society everywhere is composed.

That inequality in the condition of men, of which Nature herself is the primary cause—bestowing, as she does, her gifts of intellectual and physical powers and faculties profusely upon some; upon others, and others, through every gradation, less and less liberally; and finally, upon very many affording nothing better than mere negative qualities—feebleness of capacity and tameness of spirit—which leaves them without the power, and even the inclination, ever to enter into competition with those more bountifully endowed; the inequality thus originating and increased without limits by artificial and acquired advantages and influences,—this it is by which every community is divided into distinct classes, which in the progress of society become more and more strongly marked.

But the character thus stamped upon the frame of society would, of itself, be of less importance, were it not for the advantages taken of it by the strong over the weak, the ambitious over the dependant. In a commonwealth like that of the United States, the thousands and tens of thousands of offices, dignities, and honors, supported and aggrandized by millions and tens of millions of revenues regularly collected, without failure, from the people, for that service;—these mighty temptations generate and bring forth a countless host of aspirants of every grade and character, who devote their time and faculties to the study and practice of politics as a trade, upon their success in which all their best prospects in life depend. These form a distinct class or profession, having separate interests, and being clearly marked and distinguished from the rest of the community, by the peculiar character of their occupations, the instruments with which they work, and the value and description of the products of their skill and labor. And of these there is always a double set—those who are in possession of the posts of office, with their connexions and adherents, expecting offices



and favors, and those who are unceasingly struggling to dispossess them. This class has never existed in any country, without there being found, in the opposite extreme, a numerous class of dependant instruments; and between these two, and subjected to the encroachments of both, are the industrious classes of the people by whom the others are sustained and supported.

We may shrink from the idea of an aristocracy; but the best historians inform us that there was never yet a commonwealth without even its order of hereditary nobility. The federal constitution has guarded against the introduction of titles of nobility. So did the celebrated Tuscan cities; and yet they had them. And that there is in this country, as well as in every other, however free, an aristocracy of office, naturally and unavoidably produced by the power, patronage, and influence inseparable from the possession of all the great and minor offices of government, we must be dull indeed not to know. And although we have no title of nobility, yet, as the republic of Holland had its "*high mightinesses*," so we have our *excellencies*, *honorable*s, and *worshipful*s; titles with which those who are exalted to them are as proud (or vain) of them as the dukes and earls of other countries of their titles. They all feel the same love of power, and distinction, and emoluments, by whatever titles they are called.

It will not be supposed, we trust, that our remarks are intended to apply to any particular administration, past or present, or to any particular party or individuals. Different parties may and will advocate and pursue different political schemes, in which they may all of them be more or less right or wrong. We have no idea that in point of political virtue and patriotism one political party can claim any preference over another; we speak solely of the natural tendency of all republican governments, and of the natural propensities and influences which will inevitably govern all men (with few exceptions) who are in possession of power, or are in pursuit of it.

It is true that the people ought to put the most liberal construction upon the conduct of their rulers; to make every reasonable allowance for the errors they may commit, and firmly and effectually to aid and support them in the performance of their official duties. But all this they may do without forgetting that it is the disposition and tendency of all governments to strengthen their own hands, and increase their own powers by encroaching upon those of the people; and that, in short, the best that can be said of them, is, that they are a necessary evil. It is not true that men in power feel none but a common interest with the body of the people. They do, and will ever feel a far stronger, personal, individual interest in perpetuating and increasing their own power; and will, most of them, in furtherance of these private purposes, employ the additional influence derived from their offices, to increase the number of their adherents and instruments.

We apprehend that the people generally are little aware of the number and strength of this powerful body, or of their almost resistless influence and control over the suffrages and elections. The number of men dependant upon the post office establishment alone, including postmasters, deputies, clerks, contractors, agents, carriers, and others, amounts to more than thirty thousand. The numbers employed under the other departments, (especially that of the treasury,) are also immense; and considering, on the one hand, the willingness of Government to enlarge the sphere of their patronage, and, on the other, the greediness of individuals to obtain offices, even the most insignificant, it may reasonably be supposed that offices have

been, from time to time, and will continue to be, unreasonably multiplied. Should the project, which has been partially adopted, of applying the surplus revenues to the purposes of internal improvements, be carried to the extent which it may be, there will no longer be any bounds to the patronage of Government. We have nothing to say here upon the subject of the constitutionality of that project. We speak only of its effects in connexion with the subject before us. If the surplus revenue can be so disposed of, there can be no bar to the exaction of additional revenue to any amount, by direct taxation, or otherwise, to be applied to the same purposes; and who can calculate the power of a political engine by which entire States may be moved with ease—at least so long as they enjoy the exclusive benefit of the revenues drawn from other States!

The numbers of those interested in State offices are, of course, much greater; and, however we may regret it, we must be aware that State and national politics, parties, and influences, have got to be but too closely connected. The immense patronage possessed by the General Government has been found, in every State, greatly to influence, and in most of them finally to control, the State elections and politics.

Thus is created and organized an army of civil officers, a hundred times more numerous, and a thousand times more efficient and formidable, than any military army that could be embodied in this country, with views hostile to its freedom. And the discipline of the military is not more strictly enforced, than is that of the civil host. Whoever steps out of the ranks of the latter, immediately is deprived of his office. Their whole efforts are concentrated and directed to the same point and object—the furtherance of their own exclusive political interests. The course laid down for them may be right or may be wrong; but they have no power of choosing for themselves. If, in the opinions of any of them, that course be ever so wrong, or ever so injurious to the public welfare, still they are compelled to preserve it; for they will not sacrifice their own immediate, individual interests to any considerations of the public good. Nor is the public service the primary object in the selections of these hosts of officers. On the contrary, one half, or nearly one half, of the people are excluded by party; and upon the same principle of action, the selections from the other half are made with a view to the strength of the party. And thus we find that the men who obtain offices are generally those busy, forward, intriguing politicians, whose claims, boldly asserted, cannot be safely overlooked, however unqualified they may be to perform the duties of the offices they demand; while better men, in all respects better qualified for the public service, are passed by without notice.

And this powerful political body is not more strong in its numbers and discipline than it is in its means of sustaining itself. All its members, in addition to their personal exertions and influence, will very readily contribute a portion of their pay to secure to themselves the continued enjoyment of the residue. Or, should any of them be backward in doing so, their compeers will be sure to coerce them to pay their quotas. The political uses to which the thousands of post offices with which the whole United States are thickly studded over, may be put, should that immense establishment ever be prostituted to such uses—as it certainly may be—must be apparent to every man. And should the numberless local paper money banks be gained, (and we know that great party uses are already made of them, and may be certain that there will be a great struggle



of parties to obtain the control of such an engine.) and should the equally numberless political printing presses, all of which are in the service and many of them in the pay of one party or another, and too many of which are employed in misinforming and misleading the public mind—should these also be brought into combination and co-operation with the post office establishment, then will the free people of this country become sensible of a pressure under which it will be happy, shall they be able to bear up.

The maxims of policy which the leading political men of all parties have openly adopted and practised upon, are in direct hostility to the interests of the people, and tend inevitably to the subversion of their rights. Some of those maxims are: that every man who claims to act according to his own convictions of right and wrong, and will not agree to go thoroughly with a party, ought to be discountenanced by all parties; that every man is bound to support the measures of his party and approve of their nominations to office, however fully convinced he may be that these measures are unwise and injurious to the public interest, or that the men proposed for offices are wholly unfit to be trusted with them: that, in politics, the end justifies the means; or, in other words, that in politics honesty is *not* the best policy. It is an alarming fact that such pernicious doctrines as these are openly avowed and justified by men who, in their private concerns, hold a high standing in the community; doctrines which approach very near to the noted maxim of Machiavel, that "*men ought never to commit crimes by the halves.*"

These truths are obvious, and we see them exemplified in the progress of all parties. Can we then be blind to the consequent, self evident truths, than an aristocracy of office and power, such as exists in this, and must necessarily exist in every republic, attaches itself to the democracy of the country mainly, if not solely, for the purpose of self aggrandizement; that it will continue to court and flatter that democracy so long as it needs its support and fears its strength; and that while most profuse in its professions of devotedness to the will and service of the people, it is incessantly laboring to strengthen its own hands by increasing the number of its dependants and multiplying the instruments of its power!

If these things are plain to our view, can we not also see that if the great right of suffrage, upon which the welfare and existence of the commonwealth, as a republic, depends—the only power which the sound part of the community possess of protecting themselves from the encroachments of ambition—if this power is put into the hands of that class of people which, though it contains some wholesome citizens, embraces at the same time all the loose and floating; all the dependant and mercenary population; all those who, having little or nothing at stake themselves, care little or nothing for the rights of others: people who, in voting, exercise no judgment of their own, nor have any wish to form any; taking their impulses and directions from their leaders, and ready to fight their battles, not merely by voting, but by every species and excess of brawling and violence to which those leaders may instigate them:—can we not see that to put power into such hands, instead of adding to the number of real freemen, would be to multiply the instruments whereby ambition may enable itself to set these freemen at defiance? Some idea of the character of the new made voters may be formed from the fact, that the whole increase of population in this State (probably amounting to ten or twelve thousand) during



the last ten or twelve years, this whole increase has been in the manufacturing districts, including the town of Providence as their centre. What a spectacle would our freemen's meetings exhibit, should they ever be filled by hosts of mercenary voters! Even now, we know that angry feelings, looks, and language, and sharp disputes, are but too much indulged in. And in many places where free suffrage prevails, we constantly hear of affrays, violence, and even bloodshed; each party spiriting on its reckless retainers to get possession of the polls, and to intimidate its opponents. And the consequence is, that great numbers of sober minded, peaceable freemen, are disgusted with such scenes, and keep away from the polls, where they know they will be abused and insulted for exercising the rights of freemen.

We ought to recollect that all the evils which may result from the extension of suffrage will be evils beyond our reach. We shall entail them upon our latest posterity without remedy. Open this door, and the whole frame and character of our institutions are changed forever.

It is not safe for any nation to flatter itself that it will always be wiser and better than all others have been. The Athenian and Roman republics, great, renowned, and proud of their liberties as they were, were subverted, one after the other, and enslaved by the instrumentality of this same engine of universal suffrage. The moment that was introduced, the brokers of offices and sellers of their country publicly spread their tables, upon which they counted out their bribes to the voters.

For the committee,

B. HAZARD.

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No. 80.—(C.)

*Resolutions of the General Assembly.*

The following resolutions were passed by the General Assembly at the January session, A. D. 1841, upon a memorial from the town of Smithfield, to enlarge the representation from that town to the General Assembly:

*Resolved by the General Assembly, (the Senate concurring with the House of Representatives therein,)* That the freemen of the several towns in this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of the same qualifications as they are now respectively entitled to choose representatives to the General Assembly, to attend a convention to be holden at Providence on the first Monday of November, in the year of our Lord 1842, to frame a new constitution for this State, either in whole or in part, with full powers for this purpose; and if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

*Resolved,* That a majority of the whole number of delegates which all the towns are entitled to choose, shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in

August, may elect them at any time previous to the meeting of said convention.

*Resolved*, That the constitution or amendments agreed upon by said convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the president and secretary, and returned to the secretary of state, who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof, and also fifteen thousand ballots, on one side of which shall be printed "Amendments (or constitution) adopted by the convention holden at Providence on the first Monday of November last;" and on the other side, the word "approve" on the one half of said ballots, and the word "reject" on the other half.

*Resolved*, That at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballots, and the ballots shall be sealed up in open town or ward meetings by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly at its next succeeding session; and the said General Assembly shall cause said ballots to be examined and counted, and said amendments or constitution being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

*Resolved*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by the president.

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#### No. 81.—(D.)

#### *Petition of Elisha Dillingham and others.*

*To the honorable the General Assembly of the State of Rhode Island:*

The undersigned, inhabitants and citizens of the State of Rhode Island, would respectfully represent to your honorable body, that they conceive that the dignity of the State would be advanced, and the liberties of the people better secured, by the abrogation of the charter granted unto this State by King Charles II of England, and by the establishment of a constitution which should more effectually define the authority of the executive and legislative branches, and more strongly recognise the rights of the citizens.

Your petitioners would not take the liberty of suggesting to your honorable body any course which should be pursued, but would leave the whole affair in your hands, trusting to the good sense and discretion of the General Assembly.

Your petitioners would further represent to the General Assembly, that they conceive that an extension of suffrage to a greater portion of the white male residents of the State would be more in accordance with the spirit of our institutions than the present system of the State, and for such extension they ask. Your petitioners would not suggest any system of suffrage, but would leave the matter to the wisdom of the General Assembly.

Upon both the prayers of your petitioners, they would ask the immediate

and efficient action of the General Assembly; and, as in duty bound, will ever pray.

[Signed by Elisha Dillingham and 580 others.]

[Endorsed.] Petition of Elisha Dillingham and others for an abrogation of charter and establishment of a constitution.

H. R., *January 21, 1841*.—Received, and laid on the table.

T. A. J., *Clerk*.

A true copy from the files of the House of Representatives of the State of Rhode Island.

THOMAS A. JENCKES,  
*Clerk of said House.*

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No. 82.—(E.)

*A declaration of principles of the Rhode Island Suffrage Association, made 7th day of February, 1841, and the 13th of April, 1841.*

Believing that all men are created free and equal, and that the possession of property should create no political advantages for its holder; and believing that all bodies politic should have for their foundation a bill of rights and a written constitution, wherein the rights of the people should be defined, and the duties of the people's servants strictly pointed out and limited; and believing that the State of Rhode Island is possessed of neither of these instruments, and that the charter under which she has her political existence is not only aristocratic in its tendency, but that it lost all its authority when the independence of the United States was declared; and furthermore, believing that every State in the federal compact is entitled, by the terms of that compact, to a republican form of government, and that any form of government is anti-republican and aristocratic which precludes a majority of the people from participating in its affairs, and that by every right, human and divine, the majority in the State should govern; and furthermore, and finally, believing that the time has gone by when we are called upon to submit to the most unjust outrages upon our political and social rights: therefore,

*Resolved*, That the *power* of the State should be vested in the hands of the *people*; and that the people have a right from time to time to assemble together, either by themselves or their representatives, for the establishment of a republican form of government.

*Resolved*, That whenever a majority of the citizens of this State, who are recognised as citizens of the United States, shall, by their delegates in convention assembled, draught a constitution, and the same shall be accepted by their constituents, it will be, to all intents and purposes, the law of the State.

*Resolved*, That the cause of suffrage can only be carried forward by the diffusion of correct doctrine on this subject. Therefore, the friends of the cause are under an imperative obligation to aid by their patronage and influence in giving a wider and more extended circulation to the organ of this association, the *New Age*.



*Resolved*, That we earnestly recommend to the good citizens of this State who are in favor of a just and equal government—or, in other words, a government of the people—to form associations in every town in the State; and that their secretaries be requested to correspond with the secretaries of other associations, so that a convention may be called to adopt the plan this evening proposed, or some other plan which they, in their wisdom, shall devise.

*Resolved*, That, in the opinion of this association, the two most important objects to be gained in the formation of a constitution, are equal representation and a liberal extension of suffrage. Therefore, we are of opinion that, to accomplish these objects, all who are interested should be allowed to participate in its formation.

At a meeting of the said suffrage association holden at Providence on the 13th of April, 1841, the foregoing declaration was reiterated, and the following resolution passed:

*Resolved*, That, for the purpose of promoting the furtherance of the cause in which we have engaged, we have determined on a parade, to be held on the 17th inst., and that we invite the citizens generally to meet on the occasion.

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#### No. 83.—(F.)

*Resolutions adopted at a mass meeting of the friends of suffrage, held at Newport, May 5, 1841, setting forth the principles of the suffrage movement.*

Whereas it is the undeniable right of the people, at all times, peaceably to assemble for consultation and conference touching the government under which they live, and which they assist in supporting; and independently to utter and set forth, on such occasions of meeting together, their views, sentiments, and plans relative to the correction, as well of defects in the organization of government, as of faults in the administration of the same: We, a portion of the people of this State, now assembled at Newport in mass convention, from all parts of the State, and acting on behalf of the great body of our unenfranchised fellow-citizens, do declare their and our opinions and purposes in the following

#### RESOLUTIONS:

1. *Resolved*, That it is repugnant to the spirit of the declaration of American independence, and derogatory to the character of Rhode Island republicans, to acknowledge the charter of a British king as a constitution of political government. While we venerate the illustrious names of Roger Williams and John Clarke, to whose untiring ability and perseverance the colony of Rhode Island was indebted for this grant from the throne of England, so well adapted at the time to the wants of his Majesty's subjects, and so liberal in its concessions,—we are at the same time aware that in almost all respects, excepting the immortal declaration and guaranty of religious freedom, it has become insufficient and obsolete; that it should be laid aside in the archives of the State, and no longer be permitted to subsist as a barrier against the rights and liberties of the people.

2. *Resolved*, That, in the opinion of this convention, on the occurrence

of the American Revolution, when the ties of allegiance which bound the subjects of this colony to the throne of England were dissolved, the rights of sovereignty, in accordance with the principles of republican government, passed to the whole body of the people of this State, and not to any special or favored portion of the same; that the whole people were and are the just and rightful successors of the British king, and as such were and are entitled to alter, amend, or annul the form and provisions of government then and now subsisting, with the sole restriction imposed by the constitution of the United States; and, in their original and sovereign capacity, to devise and substitute such a constitution as they may deem to be best adapted to the general welfare.

3. *Resolved*, That no lapse of time can bar the sovereignty inherent in the people of this State; and that their omission to form a constitution, and their toleration of the abuses under which they have so long labored, are to be regarded as proof of their long suffering and forbearance, rather than as arguments against their power and their capacity to right themselves, whenever, in their opinion, redress from the governments at present subsisting is hopeless.

4. *Resolved*, That the time has now fully arrived for a vigorous and concentrated effort to accomplish a thorough and permanent reform in the political institutions of this State.

5. *Resolved*, That a system of government under which the legislative body exercise power undefined and uncontrolled by fundamental laws, according to its own "especial grace, certain knowledge, and mere motion," and limits and restricts, and makes and unmakes the people at its pleasure, is anti-republican, and odious in its character and operations, at war with the spirit of the age, and repugnant to the feelings of every right-minded Rhode Island man, and ought to be abated.

6. *Resolved*, That the public good imperatively requires that the powers of the legislature, and rights of the citizens, should be defined and fixed by a written State constitution.

7. *Resolved*, That the representation of the towns in the General Assembly, as originally established by the provisions of the charter of King Charles II, had reference to the then existing population of the same, and was at that time not unfairly adjusted to it; but that, by the great increase of population in the towns, the existing apportionment has become exceedingly unequal and unjust in its operations; and that a new assignment of representatives among the towns, according to population, will be an indispensable article in a constitution for this State. A majority of the representatives to the General Assembly are now elected by towns containing less than one-third of the population of the State; and some of the towns, from twice to twenty times what they are entitled to, under the just principles of distribution above named—an inequality not uncommon in the monarchies of Europe, but, with the single exception of Rhode Island, unknown in the United States.

8. *Resolved*, That, at the foundation of this State, and long after, property in land was not only the principal property of the citizens, but was so easily attainable, that a landed qualification for voters (first definitely established in the colony by the legislature in 1724) excluded only a small portion of the people from political power; but that the circumstances of the people have since greatly changed, and the existing qualification for voting has the effect, contrary to the designs of those who first established it, of exclu-

ding the great majority of 16,000, or 25,000 over the age of twenty-one years, from all political privileges and participation in the affairs of government; and that, although we entertain a high and becoming respect for farmers, and their just influence in the State, we are not insensible to the merits of their younger sons—of the mechanics, the merchants, the working men, and others—who own no land; and that we are of opinion that the longer continuance of a landed qualification for voters is a great injustice, and is contrary to the spirit and principles of a republican government; and that a constitution for this State will be altogether insufficient, unsatisfactory, and impracticable, that does not restore to the body of the people of this State the rights and principles of American citizens.

9. *Resolved*, That a continuance of the provisions of the charter relating to representation, and of the act of the legislature requiring a freehold estate to entitle a citizen to vote for public officers, has the effect not only to vest the control of the General Assembly, as we have before seen, in less than one-third of the population, but, as the voters in this third are only a third part of the whole number of male adult citizens, this further effect also—the most odious of all—of placing the control of the Assembly and the State in one ninth part of its adult population; or, in other words, in the hands of less than three thousand men out of twenty-five thousand who are over twenty-one years of age.

10. *Resolved*, That such a state of things is a bold and hardy defiance of all popular rights, and is a total departure from the principles advanced at the first session of the General Assembly in the year 1647, who then solemnly declared and voted that the government of this State should be a democracy.

11. *Resolved*, That the American system of government is a government of men, and not of property; and that while it provides for the ample protection and safe enjoyment and transmission of property, it confers upon it no political advantages, but regards all men as free and equal, and exacts from them no price for the exercise of their birthright; and that, therefore, the undoubted rights and privileges of the people, as well as the true honor and prosperity of the State, can only be completely obtained and permanently insured by a written constitution, whose framers shall be chosen from the people of the towns, in proportion to population, and which shall be approved and ratified by the people at large; and that, in the exercise of this high act of sovereignty, every American citizen, whose actual permanent residence or home is in this State, has a right to participate. And we accordingly pledge ourselves individually to each other, and collectively to the public, that we will use our unremitting exertions for such a constitution, in the way that has been described.

12. *Resolved*, That we disclaim all action with or for any political party in this great question of State rights, reserving to ourselves individually our own opinions on all matters of State or national politics, which we call upon no man to sacrifice; and that we heartily invite the earnest co-operation of men of all political parties in the cause which we have at heart, and which we believe to be the cause of liberty, equality, and justice to all men.

13. *Resolved*, That the General Assembly should have called the convention to frame a constitution in such a manner as to apportion the delegates to the convention among the several towns, according to population, and to give to every American citizen as aforesaid the right of voting for



delegates and for the constitution which may be proposed for the ratification of the people.

14. *Resolved*, That the friends of reform in each town be requested forthwith to establish an association for the purpose of a better organization for correspondence, and generally for the promotion of the objects of this convention.

15. *Resolved*, That a State committee of eleven persons be appointed by this convention to correspond with the associations of the several towns, and to carry forward the cause of reform and equal rights, and to call a convention of delegates to draught a constitution at as early a day as possible.

16. *Resolved*, That the State committee be requested to obtain, without delay, a list of all the citizens in the several towns who are ready to vote for and sustain a constitution based on the principles hereinbefore declared, and to present the same at the adjourned meeting.

17. *Resolved*, That the State committee be requested to prepare and send forth an address to the people of this State on the subjects contained in the foregoing resolutions, and to report proceedings at an adjourned meeting.

18. *Resolved*, That a copy of these resolutions be transmitted to the governor, to the lieutenant governor, and to each member of the Senate and House of Representatives, whose attention is especially and respectfully asked to the resolution relative to the call of the convention for framing a constitution.

19. *Resolved*, That the support and patronage of all the friends of reform are urgently requested in behalf of the "New Age," a newspaper exclusively devoted to the cause which we have this day assembled to promote.

20. *Resolved*, That these resolutions be signed by the president and secretaries of the convention, and published in the several newspapers throughout the State, and that the publishers be requested to give them a gratuitous insertion in their respective papers.

21. *Resolved*, That this convention, when it adjourns, will adjourn to meet at Providence on the 5th day of July next.

The following gentlemen were then appointed a State committee, in accordance with the 15th resolution :

*Newport county*.—Hon. Charles Collins and Hon. Dutee J. Pearce.

*Providence county*.—Samuel H. Wales and Benjamin Arnold, jr.

*Washington county*.—Wm. S. Peckham and Sylvester Himes.

*Kent county*.—Silas Weaver and Emanuel Rice.

*Bristol county*.—Samuel Allen and Benjamin M. Bosworth.

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No. 84.—(G.)

*Resolutions adopted at a mass meeting of the friends of suffrage held at Providence, R. I., July 5, 1841.*

*Resolved*, That on this, the anniversary (5th July, 1841) of our national independence, we recur, with emotions of deep and patriotic gratitude, to the principles, the measures, and the men of the American Revolution.

*Resolved*, That the doctrines of liberty and equality, first promulgated in modern times by the immortal founders of our State, and re-asserted by

the illustrious author of the declaration of independence, lie at the foundation of all that is just and free in our political institutions; and that the vindication of these doctrines, when impaired, and the development of them in all their force and effect, are duties of the most sacred and imperative obligations, and enjoined upon us by the venerable fathers, who, being dead, yet speak to us, by our character as republicans and as men, and by our regard to the rights and interests of our successors.

*Resolved*, That, in the language of Jefferson, "It is not only the right, but the duty, of those now on the stage of action, to change the laws and institutions of government, to keep pace with the progress of knowledge, the lights of science, and the amelioration of the condition of society;"—and that "nothing is to be considered unchangeable, but the inherent and unalienable rights of man."

*Resolved*, That the political institutions of this State have long since lost their character of liberty and equality, which belong to a republic; and that, inasmuch as in the words of Washington, "the basis of our political institutions is the right of the people to make and to alter their constitutions," it has now become the duty of the people of Rhode Island, acting upon the principles which have been recited, and animated by the example of their patriotic ancestors, to apply with a firm hand, without unnecessary delay, and in their original and sovereign capacity, the necessary corrective to existing political evils, by the formation and adoption of a written republican State constitution.

*Resolved*, "That we unanimously and cordially re-affirm the views, sentiments, and plans" set forth in their resolutions by the convention of the friends of equal rights, held at Newport on the 5th day of May last; and that, inasmuch as the General Assembly of this State, at their last session, in June, have finally decided that the freeholders are exclusively the people of Rhode Island, and have denied to the great majority of the people, so far as it is in their power thus to deny, any participation in the convention to be held in November next, the time has now fully arrived for the people, in their original and sovereign capacity, to exercise their reserved rights; and that we hereby approve the call by the State committee of the people's convention, on the basis of the resolutions aforesaid, at an early day, for the formation of a constitution.

*Resolved*, That when the constitution, so framed, shall be adopted by a majority of the whole people of the State, by their signatures or otherwise, as the convention may provide, we will sustain and carry into effect said constitution, by all necessary means; and that, so far as in us lies, we will remove all obstacles to its successful establishment and operation: and we hereunto solemnly pledge ourselves to each other and the public.

*Resolved*, That we hail with pleasure the presence among us of the venerable remnants of our revolutionary worthies; and entertain the hope that they may be spared to witness another anniversary, when they will be deemed not only worthy of shedding their blood for the defence of their country, but of voting for their rulers, and of taking an equal share of the concerns of government.

*Resolved*, That we enter our solemn protest against the principles upon which the landholders' constitution is called, as by that call a large majority of the people of this State are excluded from a participation in the choice of delegates to frame a constitution, by the provisions of which they are to be governed.

*Resolved*, That we deny the authority of the legislature to proscribe or prevent any portion of our fellow-citizens, who are permanent residents of this State, from a participation in the organization of the government, which is to affect the rights and privileges of all.

*Resolved*, That it is contrary to the spirit of a republican government for a minority to make laws that shall bind the majority; and that we will resist, to the utmost of our ability, a government that shall not acknowledge the just rights of the whole people.

*Resolved*, That we will use all honorable means within our power to have every American citizen, who is a permanent resident in this State, represented in the convention for framing a constitution that shall define the powers of the legislature, and secure to the people the free exercise of their rights and privileges.

By a vote of said mass convention, the following gentlemen were added to the State committee, viz:

*Newport county*.—Silas Sisson.

*Providence county*.—Henry L. Webster, Philip B. Stiness, and Metcalf Marsh.

*Bristol county*.—Abijah Luce.

*Kent county*.—John Brown and John B. Sheldon.

*Washington county*.—Wager Weeden and Charles Allen.

#### No. 85.—(H a.)

*Resolutions of the General Assembly, passed at the May session, 1841, in amendment of resolutions passed at the January session, same year.*

At the May session of the General Assembly, 1841, the following resolutions passed in amendment, or in addition, to those passed in January of the same year. They are as follows, viz:

*Resolved by the General Assembly, (the Senate concurring with the House of Representatives therein,)* That the delegates from the several towns to the State convention to be holden in November next, for the purpose of framing a State constitution, be elected on the basis of population in the following manner, to wit: Every town of not more than eight hundred and fifty inhabitants may elect one delegate; of more than eight hundred and fifty, and not more than three thousand inhabitants, two delegates; of more than three thousand, and not more than six thousand inhabitants, three delegates; of more than six thousand, and not more than ten thousand inhabitants, four delegates; of more than ten thousand, and not more than fifteen thousand inhabitants, five delegates; of more than fifteen thousand inhabitants, six delegates.

*Resolved*, That the delegates attending said convention be entitled to receive from the government treasury the same pay as members of the General Assembly.

*Resolved*, That so much of the resolutions to which these are an amendment as is inconsistent therewith, be repealed.



## No. 86.—(J a.)

*A call to the people of Rhode Island to assemble in convention.*

At a mass convention of the friends of equal rights and of a *written republican constitution* for this State, held at Newport on the 5th day of May, 1841, the following persons were appointed a STATE COMMITTEE, for the furtherance of the cause which the convention had assembled to promote, viz:

*Newport county.*

Charles Collins,  
Dutee J. Pearce,  
Silas Sisson.

*Providence county.*

Samuel H. Wales,  
Benjamin Arnold, jr.,  
Welcome B. Sayles,  
Henry L. Webster,  
Philip B. Stiness,  
Metcalf Marsh.

*Bristol county.*

Benjamin M. Bosworth,  
Samuel S. Allen,  
Abijah Luce.

*Kent county.*

Emanuel Rice,  
Silas Weaver,  
John B. Sheldon.

*Washington county.*

Sylvester Himes,  
Wager Weeden,  
Charles Allen.

The State committee were directed to "carry forward the cause of reform and equal rights, and to call a convention of delegates to draught a constitution at as early a day as possible."

At an adjourned meeting of said mass convention, held at Providence on the 5th day of July, the instructions before given were reaffirmed, and the committee were directed to call a convention of the people, on the basis of the resolutions passed at Newport, "at an early day, for the formation of a constitution."

Pursuing these instructions, the committee held a meeting at Providence on the 20th of July; and, in conformity with the eleventh resolution adopted at Newport, which prescribes the call of a convention of the people at large, to be represented in proportion to population, passed, unanimously, the following resolution for the call of a popular convention:

*Voted*, That we proceed to issue a call for the election of delegates to take place on the last Saturday in August, (the 28th day,) to attend a convention to be holden at the State house in Providence, on the first Monday in October, (the 4th day,) for framing a constitution to be laid before the people for their adoption.

*Voted*, That every American male citizen, of twenty-one years of age and upwards, who has resided in this State one year preceding the election of delegates, shall vote for delegates to the convention called by the State committee, to be held at the State-house in Providence on the first Monday in October next.

*Voted*, That every meeting holden for the election of delegates to the State convention shall be organized by the election of a chairman and secretary, whose certificate shall be required of the delegates.

*Voted*, That each town of one thousand inhabitants, or less, shall be en-

titled to one delegate; and for every additional thousand, one delegate shall be appointed; and the city of Providence shall elect three delegates from each ward in the city.

*Voted,* That the chairman and secretary be directed to cause one thousand handbills to be printed and distributed through the State, containing the call for a convention of delegates.

*Voted,* That the proceedings of this meeting be signed by the chairman and secretary, and be published.

*On motion, voted,* That this meeting stand adjourned, to meet at this place on the 1st day of September, at 11 o'clock, a. m.

FELLOW CITIZENS: We have discharged our duty in a call of a convention of the whole people, to provide for the attainment and security of those invaluable rights which have been so long withheld from them, and without which they are but subjects and slaves in a state only nominally republican.

Depend upon it that a spirit has been aroused in this State, which cannot be intimidated nor repressed; which has suffered long, until patience has ceased to be a virtue; and which, regarding the republican institutions everywhere else enjoyed but here, and prompted by our venerable and patriotic ancestors, the first to assert the true principles of religious and political freedom, will brook no further delay; and which cannot be more appropriately expressed than when we say, in behalf of the great majority of the people—Give us our rights, or we will take them.

We ask for nothing that is not clearly right, and we are determined to submit to nothing so manifestly wrong as the corrupt and anti-republican system of government which has so long subsisted in Rhode Island by the forbearance of the people.

Bear in mind that there is no constitutional mode of amending our government, except by the people at large, in whom, as the successors of the king of England, the sovereign power resides and remains unimpaired by any lapse of time, or toleration of past abuses.

That there is no bill of rights in this State, except that granted by the legislature, and which they can at any moment resume and annul.

That the General Assembly is a body irresponsible to the majority of the people, restricted by no constitutional rule of action, virtually omnipotent, making and unmaking the people, doing and undoing what it pleases, according to its "especial grace, certain knowledge, and mere motion," in imitation, upon a smaller scale, of the monarchy of Great Britain.

That the system of representation to this Assembly is also the rotten borough system of Great Britain, now partially reformed; by which system, in this State, a third of the freemen and one-ninth of the people command the House of Representatives.

That, by reason of the landed qualification, which it is impossible for the great majority to obtain, two-thirds of the people are ousted of the birthright acquired for them by their fathers; and are governed, taxed, compelled to do military duty, and subjected in all respects to the will and pleasure of one-third, with the sole restriction imposed by the constitution of the United States.

Instead of enumerating other particulars, we only say, look at the history of Rhode Island legislation.

Fellow-citizens, it is these evils to which the great unenfranchised majority, acting in their original, sovereign capacity, propose and intend to

apply an effectual remedy. We ask your aid and assistance in this good work. We respectfully urge upon you to assist in the election of delegates to the popular convention to be held in October next—not as the friends or opponents of any political party now existing in this State, but as the friends of justice, of humanity, of liberty, of equal rights, of well regulated constitutional government.

Do not be deceived by the freeholders' convention called for November next. It is a gross fraud upon the people. The designs of its originators was to chrystalize, in a stronger form, the present statute provisions relative to suffrage, and to place them beyond the reach of amendment, except by the hand of force.

Once more, we say to the unenfranchised mass of our brethren and fellow-citizens,—Your rights are in your own hands. Assert and vindicate them like men determined to be free. See to it that a meeting for the choice of delegates is duly held in every town, and that its proportional number is regularly elected. Summon your friends and neighbors to the work; and, rely upon it, that a constitution framed by such a convention, and signed by a majority of the people, will be promptly acquiesced in by the minority; will be vigorously sustained; and will become, without delay, the undisputed, paramount law of our State.

By order, and in behalf of the State committee.

SAMUEL H. WALES, *Chairman*.

BENJAMIN ARNOLD, *Secretary*.

PROVIDENCE, July 24, 1841.

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No. 87.—(J b.)

*Address of the State committee appointed by the suffrage convention at Newport, May 5, 1841, for the purpose of calling a convention to form a constitution for the State.*

FELLOW-CITIZENS: The undersigned, a committee of those friendly to the formation of a State constitution, and to the extension of suffrage in this State, beg leave to address you on the important subject, and to call your attention to some of the considerations which actuate the friends of reform, as well as to the means considered by them best calculated to effect the ultimate object in view. In doing this, it is neither our intention nor disposition to create feelings of hostility between our fellow-citizens who may honestly differ from each other on the question of expediency or political right, but to excite the public mind to calm discussion and rational investigation; being morally certain that such a course will fully develop the justice of our cause, and lead to the consummation of our wishes in a manner that shall give universal satisfaction.

To all who are acquainted with human character and human passions, it is well known that power and pre-eminence constitute darling objects of ambition; and that human ingenuity, aided by interest and prepossession, and more especially sanctioned by custom, habit, and the force of education, is seldom at a loss for the semblance of argument to satisfy us of our right to that which we hold in possession.

For these reasons, we can readily account for the hostility hitherto manifested by a great proportion of the landholders of Rhode Island against reform in our State government, and an extension of the right of suffrage,



without attributing to them the unqualified determination to act with injustice towards others. The manner in which the territory of the State was originally acquired, the form of government established under the auspices of the British crown, the quiet submission of the people to that form of government since the American revolution, the principles in accordance with it, handed down from generation to generation, and the firm convictions of the friends of the present system that it is most conducive to the best interests of the State,—all operate on the landholders; and honestly, in most instances, we have reason to believe, they are thus induced to act against what we deem to be the rights of others.

That the original colonists of Rhode Island, settling on lands they had purchased as a company, had the incontrovertible right, as proprietors under the crown, to institute such rules and regulations for the management of their affairs as they pleased, and as the grant from the crown permitted them to do, it is believed no one will deny. And as, at the period of the Revolution, no measures were instituted to change the form, to conform to the change of circumstances; and as, also, they have hitherto neglected to effect such a change, the impression has come down to the present period, that the original form of government still continues in full force, by virtue of the right of the original colonists to institute it; and that it cannot rightfully be changed, but either by the voluntary act, or at least the consent, of their successors in possession. As we ask for nothing but the right, permit us to examine this point.

It must be recollected that the original settlers of Rhode Island neither claimed nor exercised any other rights than were granted and guarantied by the British crown. Their jurisdiction, therefore, was neither original nor independent, but was both derived and subordinate; and its entire force was the royal sanction and guaranty. And even their right to the soil, by purchase of the natives, could have given them no exclusive right of possession, but by force of the royal patent. Did the same or similar circumstances now exist, it is readily acknowledged that the non-freeholders could set forth no legal claim to participation in the government, and but two events (one or both) could occur to extend to them that privilege, or to legalize the claim. In the first instance, the freemen might grant it; in the second place, the royal charter might be revoked, or be rendered null and void by the destruction of the royal authority.

It cannot be doubted that, had the entire British realm been revolutionized, instead of only her American colonies, and the declaration of the universal national equality of man been adopted as the basis of government, the people of Rhode Island, in common with all their fellow-citizens of the nation, would have been thrown back on their natural rights, and released from their subjection to the royal will, claimed and exercised the right to frame and adopt a government in obedience to the will of a majority only. In no other way could a legitimate government have been formed; for the only governmental power and authority, except what originally resided in the people themselves, would thus have been annihilated.

Such principles would have been the character and effect of the revolution under Oliver Cromwell, had he and his associates proceeded on the principles adopted by our revolutionary fathers; and such also the French revolutions of 1792-93, and of 1830. But the American revolution produced precisely the state of affairs in the revolted colonies as though the king

had been driven from the throne, royalty proscribed, monarchy abolished, all ranks and distinctions among men obliterated, the government dissolved, and its powers restored, to be exercised of right by the whole people.

As to the colonies, all this did take place; and no statesman who values his reputation as such, will hazard the assertion, that the slightest claim of force in our government can be erected on the grant and sanction of our former sovereign or his successors. On what, then, does the claim rest? First, on the ownership of the soil. Did our landholders still continue simply a body corporate, permitted to regulate their company affairs under a former jurisdiction, that ground would be valid. But circumstances have changed. The body corporate has merged into a sovereign and independent State. The very acts by which that sovereignty and independence were declared and established, created freeholders and non-freeholders a body of political equals. It recognised the *original rights*, and not the *acquired* privilege of the "governed," without discrimination, to exercise powers inherent in them, and "*indefeasible*" as well as "*unalienable*," to be consulted and heard, and also to act on the question how they should or would be governed. The freemen or landholders of Rhode Island consented to this act and to these principles. On that condition the State was incorporated into the American Union. From that moment she placed herself under a new jurisdiction—the government of the people. And from that moment, also, the people—all the people—whom the American revolutionary and constitutional principles recognised as the original source and rightful possessors of all political power, resumed, and might have experienced, the right to erect a government for themselves.

But, in the second place, it is confidently asserted, that the people having quietly submitted to the government as it is, that government has become prescriptive; and that thus the non freeholders have lost their right to demand or effect a change, even if they possessed it. We do not thus view the subject; and we believe those who assert this principle are altogether in error. That our government is prescriptive, we admit; but we do not admit that it can invalidate an original right. A government by prescription, or by custom, certainly cannot claim the force of one that has received the formal sanction of the people; and if it could, we, as republicans, assert, without fear of contradiction, that a majority of the "*governed*" have, at any time, and on any occasion, a right to change their government—a right which, being inherent, unalienable, and indefeasible, not even they can part with by their free and voluntary act; much less can it be taken from them by prescription, or by precedent, or by any act of their predecessors. We declare it, therefore, as our solemn conviction—a conviction strengthened and confirmed by the principles and acts of the most eminent statesmen—that a majority of the citizens of this, or of any other State, have the incontrovertible right, at any time they may choose, to assemble together, and, either by themselves or by their delegates, to alter, amend, annul, or reform their government, at pleasure; always controlled by the dictates of natural law, that the legitimate end of government is the good of the whole in general, and of each individual in particular. To suppose that, under such a political system as that of the American Union, the fundamental principle of which is the sovereignty of the people, one generation can bind those who succeed it to any principles or form of government, or that prescription or custom should divest them of their right of change, is

preposterous. It is, moreover, the doctrine of tyranny; and, once established, the sovereignty of the people is destroyed.

Without fear of contradiction, therefore, we aver that, even had the present form of government been formally sanctioned by the people of Rhode Island, (which it never was,) they could be bound to its provisions no longer than during their own pleasure. The original power and sovereignty of the people are never relinquished. They cannot be; for they are *unalienable* and *indefeasible*. They are merely delegated, to be exercised for certain purposes; and whenever those who delegated them become satisfied that the contemplated object has not been, and will not be, given by their exercise, they have the right to resume them, and to use them as they please. Such is the doctrine of natural law, and such also is the doctrine of the declaration of American independence, which has been engrafted on the American constitution.

It is in vain that the portion of Rhode Island citizens called freemen, or a part of them, assert that a change in the form and principles of our government is inexpedient, inasmuch as it is asserted by them that a change could not benefit the State. This is an assertion only, and rests on mere speculative conjecture. Right claims precedence of expediency. It is enough for us to know (and on this point we are certain) that a majority of the citizens of the State are deprived, by the existing government, of the rights which their Creator bestowed on them, and which the principles that constituted the very basis of the national government sanction and guaranty. A participation in the government of the State they have a right to demand and assume. It is not a question whether the minority are willing to intrust the exercise of the political power in the hands of a majority, or prefer to retain it themselves; the question is not, Will the State be better or worse governed in consequence of the change? It is a simple question of individual right; and the claim is one which cannot be successfully denied. The disfranchised citizens [are] among the "*governed*"—among those, therefore, for whose benefit government is, or should be, instituted—among those from whom the powers of government are, or should be, derived. Hence their right is unquestionable to a voice as to the disposition of those powers and their exercise, and the fitness of the government and its adaptation to the end proposed—the good of the governed. This is their right. This right they claim. They constitute the majority. With them, therefore, is the right to decide. And they presume themselves to be, and will be found to be, as capable of judging correctly, and acting as wisely, as to the true ends of government, as are the minority, who now exercise all its functions. It will be time enough to talk of the result, after the change has been effected. If it be evil, the people will not long submit to it; if good, right will have been done, and the welfare of the State secured.

But why talk of the present *system* of government? We have no fixed system. Every system of government, or anything else, is made up of certain fundamental rules and principles, from which those who act upon it are not at liberty to depart. Every science and art has its fixed rules and principles, and these constitute their system; the constitution—the work of the people—of the governed—fixing metes and bounds to the power and authority of the several departments, prescribing definite principles of action, and circumscribing the legislative, executive, and judicial servants of the nation, by limits they dare not overstep. Such is the case with all the States, except our own. These are the only legal barriers against usurpa-



tion, misrule, and deception. When these are violated, at the expense of official perjury, the people have their remedy under those systems of government; but, without them, the minority, and even the disfranchised majority, have no other security for their dearest rights than force and arms—always precarious, and frequently resulting in violence and blood. The only guarantee of rights to the people of Rhode Island is the constitution of the United States. We have no constitution—no system of government. Even the right of franchise, the “basis of every free elective government,” and the most valuable privilege of the free citizen, is in the hands of the legislative body, unguarded by any popular barrier, to be moulded to any form the majority of the legislature may think proper, to gratify their ambition, or to promote party objects. Thus the right of suffrage is the subject of continual fluctuation and change at the hand of parties, as one or the other may obtain the power, and as may appear best calculated to perpetuate its hold on power, and to baffle the efforts of opponents. It is a solemn fact, and one that admits of no denial, that the General Assembly may, if a majority of that body choose, at its very next session, and without a moment's warning to the people of the State, repeal every syllable of law relative to the elective franchise, and enact another law as entirely different from it as possible—and, indeed, effect one entire change in the policy of the State; and there is neither constitution, law, nor precedent to the contrary. Should such abuses occur, where is the remedy of the people? No constitutional principles are violated, because we have none to violate. Precedents could not be appealed to, because all precedent in Rhode Island is but a continual exhibition of the exercise of unqualified and unlimited legislative power. Laws could not be resorted to, because all former ones having been repealed, new ones would have been enacted to suit the occasion. An appeal to the legislature would, of course, be fruitless, as that body would not sit as judges to condemn themselves. Resort to courts of law would be useless, as they have no constitutional principles to guide them. Their criterion is the legislative action. And, except when provisions of the constitution of the United States are involved, or questions of common law, the courts of Rhode Island, the creatures of legislative power, exist, sit, and act, only to carry out the legislative will; whereas, in other States, the people can always appeal from that will, through the courts themselves, to the constitution which they have adopted: thus, by means of the action of their own original power, compelling both courts and legislative bodies to act within the limits the people themselves have marked out.

But, we repeat it, the people of Rhode Island have no one of the above safeguards. From the town council to the chief justice of the highest court; from the voter in the House of Representatives, to the Governor who presides at the Senate body—all are free from constitutional restraint, all free from popular restraint. The sole power centres in the General Assembly; and that power is independent, and politically omnipotent. To what resort, then, can the people flee for redress, when that power shall have been grossly abused? There are but two modes left them: 1. The ballot-box. 2. The resumption and exercise of their original and natural rights and powers.

First, then, to the ballot box. And now let us turn our attention to this subject for a moment, and see how far that resort would be available.

Suppose, then, the advocates of right and justice, or the friends of the present government and laws, should come forward with sufficient strength

at the polls to eject from the seat of power men who had rendered themselves obnoxious by acts of usurpation and misrule : what stronger guarantee would you receive from their successors that they would reform abuses, than the individual pledges of (perhaps) ambitious and interested political partisans ? And even should pledges be redeemed, what assurance could you have that another body, in another year, would not revisit you with greater evils than those which had been removed ? Each General Assembly, the State being destitute of constitutional provisions, is an independent body, acting solely on its own responsibility, guided only by its own principles of action, and its own rules ; and the people have no other means of restraint upon their actions, than the distant view of the ballot box, and which each General Assembly might previously regulate, by changing the tenure and qualifications of the elective franchise to suit themselves. The committee would appeal to every reflecting, high-minded, and honorable man, and ask, in all candor and sincerity, if the rights and privileges free by nature, and free by the laws and constitution of our common country, should be thus intrusted to chance, or to fortune, or (what is still worse) to the hands of political partisans, to be manufactured, at pleasure, into political capital, to aid the cause of aspiring ambition ? Can any people be safe under such circumstances ? Under them, what man that is free to day, can have the assurance that he will not be a slave to-morrow ? What, then, remains, but for the people to resume and exercise their original rights, and to frame for themselves a constitution of government, which shall guard and protect them against the exercise of arbitrary power, by prescribing limits to legislative action.

We feel certain that the *freemen* (or, in other words, the present voters of the State) would spontaneously, and without legal formality, assemble and institute means of redress, in case their own rights were thus invaded. Thus have the rights of our disfranchised citizens been invaded, without intermission, from the period of the American Revolution. As far as they are concerned, they have been the subjects of continual usurpation and misrule ; and so far have even their civil rights been trampled on, that, without the sanction of a *freeman*, or landholder's name, as a master vouches for his slave, they are not known in law, or permitted to appear as parties, to ask for justice at the hands of a judicial tribunal ; and all this in the very face of the fundamental political doctrine of our nation, that the power is in the governed, and that from them all the just powers of government are derived.

Thus circumstanced, it is quite apparent that the disfranchised citizens of Rhode Island, and who constitute a majority of the whole people, can find no redress through the ballot box, from which, by law, they are excluded. Nor is it much more likely that they will derive it from legislative aid ; the members of the legislature being exclusively the representatives of the minority, who wield the power. Nor yet is there more to hope from the freemen or landholders themselves at the polls, unless, contrary to what has heretofore happened, a majority of them have become willing that right and justice should supersede the lust of power.

The committee are happy to believe that a very considerable change has taken place, in this respect, within a short period ; and that a very respectable body of the landholders are now advocates for a written constitution, to be framed and adopted by the people, and a liberal and permanent system of suffrage placed beyond the reach of legislative control and interference. The committee congratulate the friends of the cause on this auspicious



cious circumstance; still it must not be disguised that much yet remains to be done.

The friends of reform must depend on their own active energies. The laws of the State are against them; the legislative authority is against them; the custom of more than half a century is against them; and, no doubt, the opinions, interests, political aspirations, and the prejudices and prepossessions of a majority of the landed interest are against them. To the timid mind, and to the mind that has not investigated the subject, all these may present a powerful hostile array; but were they ten thousand times more powerful even than they appear, the rights and privileges of a solitary American citizen are fully worthy of the struggle. However forbidding the obstacles that may present themselves—however dark and frowning the aspect of the opposition—however threatening the arm of power suspended over us,—they are mere shadowy and unsubstantial forms, and a single act of the majority of the whole people of Rhode Island will be found sufficient to sweep them all away. The people—the “*numerical force*”—have but to proclaim their will, to resume their original powers, and assert their original rights. It is but for the people to arouse themselves to action, to array themselves in the majesty of their strength, and to speak with united voice. “WE, THE PEOPLE,” decree it, is a legitimate sanction to the warrant that consigns an unequal government to the grave. “We, the people,” the paramount power of a free elective government, have but to speak, and their voice must be obeyed, for their will is the fountain of government and laws.

“WE, THE PEOPLE,” are the original depositary of power, and the only source whence government derives its sanction, its strength, and its support; and government thus framed and adopted, must be legitimate—must rise superior to all others, and must be sanctioned and sustained by our national councils. For, under the auspices of a free, elective republic, based on the great principles of natural equality and of the popular sovereignty, what authority shall interpose to defeat the will of the popular majority, expressed in the formation of a government on similar principles? We repeat it, therefore, the people have but to put forth their energies to resume and exert their original rights and powers, and to speak and act; to assemble of their own accord; to repudiate the existing government of the State; to frame and adopt another more congenial to human rights, and to organize themselves under it as a body politic, which a free people have at all times the right to do; and demand the fulfilment of the constitutional pledge which guaranties to every State in the Union a republican form of government. To do this, fellow citizens, is your only available and certain course. To do this, unanimity, at least, of action must mark your conduct. Among a great body of men contending for their rights, some conflicting feelings and opinions on minor points must exist. Of these, among ourselves, probably the most prominent and important is, on what shall be the final extent of the elective franchise, or who shall be admitted to vote at elections? This question is frequently put, and by it your opponents hope to scatter dissension in your ranks, and to defeat your purpose. But be it borne in mind that this is a question which now is not the time to answer; nor does it belong to us to answer it. We cannot hope to attain our object without mutual concessions. As the friends of popular rights, it becomes us individually to abide content by the will of the majority; and it is confidently believed that no one has united himself with us, and espoused our cause, who will not cheerfully give his sanction



to such provisions for the government and well-being of the State as a majority may approve. To the final decision of the majority, then, let the above question be referred, and not permitted to disturb our harmony, or prevent the cordial union and exercise of all our energies to promote the forward progress of our great and just cause. Be firm; be united; press forward with zeal and alacrity; use all honorable means to insure success, and you cannot fail to obtain it.

In due time, the committee, to whom the duty has been intrusted, will issue the call for primary meetings, preliminary to the call of a State convention. Meanwhile, we would urge it on every one engaged in the cause, to use his efforts to harmonize the views and feelings of its friends, to awaken their zeal, and arouse them to action; that thus, when the period shall have arrived when it shall be deemed expedient to attempt the consummation of the grand object, there may be no faltering; and that all, like one man, with one body, one heart, one soul, and one object in view, to be gained by one means, may come forth at the call, and practically manifest the indomitable resolution to rescue, preserve, and perpetuate the rights of freemen.

On you, fellow-citizens, under God, depends the issue. If you are resolved, firm, and immovable, you must succeed; and you will thus transmit to your posterity an invaluable legacy, for which they will bless you. If, through supineness and neglect, you should fail of the object, you leave yourselves—and it may be also your descendants—demi-slaves, subject to the exercise of arbitrary power, and destitute of a constitutional guaranty for a solitary right, political or civil. Your aid, one and all, is confidently expected. Let not the friends of freedom in Rhode Island and our sister States be disappointed. Let "GOD AND THE RIGHT" be your motto. Let us remember that "IN UNION THERE IS STRENGTH." Move with energy and act with vigor, and your efforts will and must be crowned with success.

*State committee.*

Newport—Charles Collins, Dutee J. Pearce.

Providence—Samuel H. Wales, W. B. Sayles, Benjamin Arnold, jr.

Bristol—Benjamin M. Bosworth, Samuel S. Allen.

Kent—Emanuel Rice, Silas Weaver.

Washington—William S. Peckham, Sylvester Himes.

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At a meeting of the above committee, June 11, 1841, on motion,

*Voted*, That the secretary be directed to transmit a copy of this address to each of the editors of the newspapers in this State, and request them to give it a gratuitous insertion in their respective journals.

BENJAMIN ARNOLD, Jr., *Secretary*.

No. 88.—(K.)

*Constitution as finally adopted by the people's convention, which assembled at Providence on the 18th day of November, 1841.*

We, the people of the State of Rhode Island and Providence Plantations, grateful to Almighty God for his blessing vouchsafed to the "lively experiment" of religious and political freedom here "held forth" by our venerated ancestors, and earnestly imploring the favor of his gracious providence towards this our attempt to secure upon a permanent foundation the advantages of well ordered and rational liberty, and to enlarge and transmit to our successors the inheritance that we have received, do ordain and establish the following constitution of government for this State.

## ARTICLE I.

*Declaration of principles and rights.*

1. In the spirit and in the words of Roger Williams, the illustrious founder of this State, and of his venerated associates, we declare "that this government shall be a democracy," or government of the people, "by the major consent" of the same "only in civil things." The will of the people shall be expressed by representatives freely chosen, and returning at fixed periods to their constituents. This State shall be, and forever remain, as in the design of its founder, sacred to "soul liberty," to the rights of conscience, to freedom of thought, of expression, and of action, as hereinafter set forth and secured.

2. All men are created free and equal, and are endowed by their Creator with certain natural, inherent, and unalienable rights; among which are life, liberty, the acquisition of property, and the pursuit of happiness. Government cannot create or bestow these rights, which are the gift of God; but it is instituted for the stronger and surer defence of the same, that men may safely enjoy the rights of life and liberty, securely possess and transmit property, and, so far as laws avail, may be successful in the pursuit of happiness.

3. All political power and sovereignty are originally vested in, and of right belong to, the people. All free governments are founded in their authority, and are established for the greatest good of the whole number. The people have therefore an unalienable and indefeasible right, in their original, sovereign, and unlimited capacity, to ordain and institute government, and in the same capacity to alter, reform, or totally change the same, whenever their safety or happiness requires.

4. No favor or disfavor ought to be shown in legislation toward any man, or party, or society or religious denomination. The laws should be made not for the good of the few, but of the many; and the burdens of the State ought to be fairly distributed among its citizens.

5. The diffusion of useful knowledge, and the cultivation of a sound morality in the fear of God, being of the first importance in a republican State, and indispensable to the maintenance of its liberty, it shall be an imperative duty of the Legislature to promote the establishment of free schools, and to assist in the support of public education.

6. Every person in this State ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which may be done to his

rights of person, property, or character. He ought to obtain right and justice freely and without purchase, completely and without denial, promptly and without delay, conformably to the laws.

7. The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but on complaint in writing upon probable cause, supported by oath or affirmation, and describing as nearly as may be the place to be searched, and the person or things to be seized.

8. No person shall be held to answer to a capital or other infamous charge, unless on indictment by a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger. No person shall be tried, after an acquittal, for the same crime or offence.

9. Every man being presumed to be innocent until pronounced guilty by the law, all acts of severity, that are not necessary to secure an accused person, ought to be repressed.

10. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted; and all punishments ought to be proportioned to the offence.

11. All prisoners shall be bailable upon sufficient surety, unless for capital offences, when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety shall require it.

12. In all criminal prosecutions, the accused shall have the privilege of a speedy and public trial, by an impartial jury; be informed of the nature and cause of the accusation; be confronted with the witnesses against him; have compulsory process to obtain them in his favor, and at the public expense, when necessary; have the assistance of counsel in his defence, and be at liberty to speak for himself. Nor shall he be deprived of his life, liberty, or property, unless by the judgment of his peers, or the law of the land.

13. The right of trial by jury shall remain inviolate, and in all criminal cases the jury shall judge both of the law and of the facts.

14. Any person in this State, who may be claimed to be held to labor or service, under the laws of any other State, Territory, or District, shall be entitled to a jury trial, to ascertain the validity of such claim.

15. No man in a court of common law shall be required to criminate himself.

16. Retrospective laws, civil and criminal, are unjust and oppressive, and shall not be made.

17. The people have a right to assemble in a peaceable manner, without molestation or restraint, to consult upon the public welfare; a right to give instructions to their Senators and Representatives; and a right to apply to those invested with the powers of government for redress of grievances, for the repeal of injurious laws, for the correction of faults of administration, and for all other purposes.

18. The liberty of the press being essential to the security of freedom in a State, any citizen may publish his sentiments on any subject, being responsible for the abuse of that liberty; and in all trials for libel, both civil and criminal, the truth, spoken from good motives, and for justifiable ends, shall be a sufficient defence to the person charged.

19. Private property shall not be taken for public uses without just com-



pensation, nor unless the public good require it; nor under any circumstances, until compensation shall have been made, if required.

20. The military shall always be held in strict subordination to the civil authority.

21. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in manner to be prescribed by law.

22. Whereas Almighty God hath created the mind free, and all attempts to influence it by temporal punishments, or burdens, or by civil incapacitations, tend to beget habits of hypocrisy and meanness: and whereas a principal object of our venerated ancestors in their migration to this country, and their settlement of this State, was, as they expressed it, to hold forth a lively experiment, that a flourishing civil State may stand, and be best maintained, with full liberty in religious concerns: We therefore **DECLARE** that no man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor be enforced, restrained, molested, or burdened in his body or goods, nor disqualified from holding any office, nor otherwise suffer, on account of his religious belief; and that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and that the same shall in nowise diminish, enlarge, or affect their civil capacities; and that all other religious rights and privileges of the people of this State, as now enjoyed, shall remain inviolate and inviolable.

23. No witness shall be called in question before the legislature, nor in any court of this State, nor before any magistrate or other person authorized to administer an oath or affirmation, for his or her religious belief, or opinions, or any part thereof; and no objection to a witness, on the ground of his or her religious opinions, shall be entertained or received.

24. The citizens shall continue to enjoy and freely exercise all the rights of fishery, and privileges of the shore, to which they have been heretofore entitled under the charter and usages of this State.

25. The enumeration of the foregoing rights shall not be construed to impair nor deny others retained by the people.

## ARTICLE II.

### *Of electors and the right of suffrage.*

1. Every white male citizen of the United States, of the age of twenty-one years, who has resided in this State for one year, and in any town, city, or district of the same for six months, next preceding the election at which he offers to vote, shall be an elector of all officers who are elected, or may hereafter be made eligible by the people. But persons in the military, naval, or marine service of the United States, shall not be considered as having such established residence, by being stationed in any garrison, barrack, or military place in any town or city in this State.

2. Paupers and persons under guardianship, insane, or lunatic, are excluded from the electoral right; and the same shall be forfeited on conviction of bribery, forgery, perjury, theft, or other infamous crime, and shall not be restored unless by an act of the General Assembly.

3. No person who is excluded from voting, for want of the qualification first named in section first of this article, shall be taxed, or be liable to do

military duty; provided that nothing in said first article shall be so construed as to exempt from taxation any property or persons now liable to be taxed.

4. No elector who is not possessed of, and assessed for, ratable property in his own right, to the amount of one hundred and fifty dollars, or who shall have neglected or refused to pay any tax assessed upon him, in any town, city, or district, for one year preceding the town, city, ward, or district meeting at which he shall offer to vote, shall be entitled to vote on any question of taxation, or the expenditure of any public moneys in such town, city, or district, until the same be paid.

5. In the city of Providence, and other cities, no person shall be eligible to the office of mayor, alderman, or common councilman, who is not taxed, or who shall have neglected or refused to pay his tax, as provided in the preceding section.

6. The voting for all officers chosen by the people, except town or city officers, shall be by ballot; that is to say, by depositing a written or printed ticket in the ballot-box, without the name of the voter written thereon. Town or city officers shall be chosen by ballot, on the demand of any two persons entitled to vote for the same.

7. There shall be a strict registration of all qualified voters in the towns and cities of the State; and no person shall be permitted to vote, whose name has not been entered upon the list of voters before the polls are opened.

8. The General Assembly shall pass all necessary laws for the prevention of fraudulent voting by persons not having an actual, permanent residence, or home, in the State, or otherwise disqualified according to this constitution; for the careful registration of all voters, previously to the time of voting; for the prevention of frauds upon the ballot-box; for the preservation of the purity of elections; and for the safekeeping and accurate counting of the votes; to the end that the will of the people may be freely and fully expressed, truly ascertained, and effectually exerted, without intimidation, suppression, or unnecessary delay.

9. The electors shall be exempted from arrest on days of election, and one day before, and one day after the same, except in cases of treason, felony, or breach of the peace.

10. No person shall be eligible to any office by the votes of the people, who does not possess the qualifications of an elector.

### ARTICLE III.

#### *Of the distribution of powers.*

1. The powers of the government shall be distributed into three departments—the legislative, the executive, and the judicial.

2. No person or persons connected with one of these departments shall exercise any of the powers belonging to either of the others, except in cases herein directed or permitted.

### ARTICLE IV.

#### *Of the legislative department.*

1. The legislative power shall be vested in two distinct Houses: the one to be called the House of Representatives, the other the Senate, and both

together the General Assembly. The concurrent votes of the two Houses shall be necessary to the enactment of laws; and the style of their laws shall be: Be it enacted by the General Assembly, as follows.

2. No member of the General Assembly shall be eligible to any civil office under the authority of the State, during the term for which he shall have been elected.

3. If any Representative, or Senator, in the General Assembly of this State, shall be appointed to any office under the Government of the United States, and shall accept the same, after his election as such Senator or Representative, his seat shall thereby become vacant.

4. Any person who holds an office under the Government of the United States may be elected a member of the General Assembly, and may hold his seat therein, if, at the time of his taking his seat, he shall have resigned said office, and shall declare the same on oath, or affirmation, if required.

5. No member of the General Assembly shall take any fees, be of counsel or act as advocate in any case pending before either branch of the General Assembly, under penalty of forfeiting his seat, upon due proof thereof.

6. Each House shall judge of the election and qualifications of its members; and a majority of all the members of each House, whom the towns and senatorial districts are entitled to elect, shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each House may have previously prescribed.

7. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but not a second time for the same cause.

8. Each House shall keep a journal of its proceedings, and publish the same when required by one fifth of its members. The yeas and nays of the members of either House shall, at the desire of any five members present, be entered on the journal.

9. Neither House shall, without the consent of the other, adjourn for more than two days, nor to any other place than that at which the General Assembly is holding its session.

10. The Senators and Representatives shall, in all cases of civil process, be privileged from arrest during the session of the General Assembly, and for two days before the commencement, and two days after the termination of any session thereof. For any speech in debate in either House, no member shall be called in question in any other place.

11. The civil and military officers, heretofore elected in grand committee, shall hereafter be elected annually by the General Assembly, in joint committee, composed of the two Houses of the General Assembly, excepting as is otherwise provided in this constitution; and excepting the captains and subalterns of the militia, who shall be elected by the ballots of the members composing their respective companies, in such manner as the General Assembly may prescribe; and such officers, so elected, shall be approved of and commissioned by the Governor, who shall determine their rank; and, if said companies shall neglect or refuse to make such elections, after being duly notified, then the Governor shall appoint suitable persons to fill such offices.

12. Every bill and every resolution requiring the concurrence of the two Houses, (votes of adjournment excepted,) which shall have passed both



Houses of the General Assembly, shall be presented to the Governor for his revision. If he approve of it, he shall sign and transmit the same to the Secretary of State ; but, if not, he shall return it to the House in which it shall have originated, with his objections thereto, which shall be entered at large on their journal. The House shall then proceed to reconsider the bill; and if, after such reconsideration, that House shall pass it by a majority of all the members elected, it shall be sent with the objections to the other House, which shall also reconsider it; and, if approved by that House, by a majority of all the members elected, it shall become a law. If the bill shall not be returned by the Governor within forty-eight hours (Sundays excepted) after it shall have been presented to him, the same shall become a law, in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return ; in which case, it shall not be a law.

13. There shall be two sessions of the General Assembly in every year ; one session to be held at Newport, on the first Tuesday of June, for the organization of the government, the election of officers, and for other business ; and one other session on the first Tuesday of January, to be held at Providence, in the first year after the adoption of this constitution, and in every second year thereafter. In the intermediate years, the January session shall be forever hereafter held in the counties of Washington, Kent, or Bristol, as the General Assembly may determine before their adjournment in June.

#### ARTICLE V.

##### *Of the House of Representatives.*

1. The House of Representatives shall consist of members chosen by the electors in the several towns and cities, in their respective town and ward meetings, annually.

2. The towns and cities shall severally be entitled to elect members according to the apportionment which follows, viz : Newport to elect five ; Warwick four ; Smithfield five ; Cumberland, North Providence, and Scituate, three ; Portsmouth, Westerly, New Shoreham, North Kingstown, South Kingstown, East Greenwich, Gloucester, West Greenwich, Coventry, Exeter, Bristol, Tiverton, Little Compton, Warren, Richmond, Cranston, Charlestown, Hopkinton, Johnston, Foster, and Burrillville, to elect two ; and Jamestown, Middletown, and Barrington, to elect one.

3. In the city of Providence, there shall be six representative districts, which shall be the six wards of said city ; and the electors resident in said districts, for the term of three months next preceding the election at which they offer to vote, shall be entitled to elect two Representatives for each district.

4. The General Assembly, in case of great inequality in the population of the wards of the city of Providence, may cause the boundaries of the six representative districts therein to be so altered as to include in each district, as nearly as may be, an equal number of inhabitants.

5. The House of Representatives shall have authority to elect their own Speaker, clerks, and other officers. The oath of office shall be administered to the Speaker by the Secretary of State, or, in his absence, by the Attorney General.

6. Whenever the seat of a member of the House of Representatives shall

be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

#### ARTICLE VI.

##### *Of the Senate.*

1. The State shall be divided into twelve senatorial districts ; and each district shall be entitled to one Senator, who shall be annually chosen by the electors in his district.

2. The first, second, and third representative districts in the city of Providence, shall constitute the first senatorial district ; the fourth, fifth, and sixth representative districts in said city, the second district ; the town of Smithfield, the third district ; the towns of North Providence and Cumberland, the fourth district ; the towns of Scituate, Glocester, Burrillville, and Johnston, the fifth district ; the towns of Warwick and Cranston, the sixth district ; the towns of East Greenwich, West Greenwich, Coventry, and Foster, the seventh district ; the towns of Newport, Jamestown, and New Shoreham, the eighth district ; the towns of Portsmouth, Middletown, Tiverton, and Little Compton, the ninth district ; the towns of North Kingstown and South Kingstown, the tenth district ; the towns of Westerly, Charlestown, Exeter, Richmond, and Hopkinton, the eleventh district ; the towns of Bristol, Warren, and Barrington, the twelfth district.

3. The Lieutenant Governor shall be, by virtue of his office, President of the Senate ; and shall have a right, in case of an equal division, to vote in the same ; and also to vote in joint committee of the two Houses.

4. When the government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members President of the same.

5. Vacancies in the Senate, occasioned by death, resignation, or otherwise, may be filled by a new election.

6. The Secretary of State shall be, by virtue of his office, Secretary of the Senate.

#### ARTICLE VII.

##### *Of impeachments.*

1. The House of Representatives shall have the sole power of impeachment.

2. All impeachments shall be tried by the Senate ; and when sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted, except by a vote of two-thirds of the members elected. When the Governor is impeached, the chief justice of the supreme court shall preside, with a casting vote in all preliminary questions.

3. The Governor, and all other executive and judicial officers, shall be liable to impeachment ; but judgments, in such cases, shall not extend further than to removal from office. The party convicted shall, nevertheless, be liable to indictment, trial, and punishment, according to law.

#### ARTICLE VIII.

##### *Of the executive department.*

1. The chief executive power of this State shall be vested in a Governor,

who shall be chosen by the electors, and shall hold his office for one year, and until his successor be duly qualified.

2. No person holding any office or place under the United States, this State, any other of the United States, or any foreign power, shall exercise the office of Governor.

3. He shall take care that the laws are faithfully executed.

4. He shall be commander in chief of the military and naval forces of the State, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State, without their consent, or that of the General Assembly, unless it shall become necessary in order to march or transport them from one part of the State to another, for the defence thereof.

5. He shall appoint all civil and military officers whose appointment is not by this constitution, or shall not by law, be otherwise provided for.

6. He shall, from time to time, inform the General Assembly of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

7. He may require from any military officer, or any officer in the executive department, information upon any subject relating to the duties of his office.

8. He shall have power to remit forfeitures and penalties, and to grant reprieves, commutation of punishments, and pardons after conviction, except in cases of impeachment.

9. The Governor shall, at stated times, receive for his services a compensation which shall not be increased nor diminished during his continuance in office.

10. There shall be elected, in the same manner as is provided for the election of Governor, a Lieutenant Governor, who shall continue in office for the same term of time. Whenever the office of Governor shall become vacant by death, resignation, removal from office, or otherwise, the Lieutenant Governor shall exercise the office of Governor until another Governor shall be duly qualified.

11. Whenever the offices of Governor and Lieutenant Governor shall both become vacant, by death, resignation, removal from office, or otherwise, the President of the Senate shall exercise the office of Governor until a Governor be duly qualified; and should such vacancies occur during a recess of the General Assembly, and there be no President of the Senate, the Secretary of State shall, by proclamation, convene the Senate, that a President may be chosen to exercise the office of Governor.

12. Whenever the Lieutenant Governor or President of the Senate shall exercise the office of Governor, he shall receive the compensation of Governor only; and his duties as President of the Senate shall cease while he shall continue to act as Governor; and the Senate shall fill the vacancy by an election from their own body.

13. In case of a disagreement between the two Houses of the General Assembly respecting the time or place of adjournment, the person exercising the office of Governor may adjourn them to such time or place as he shall think proper; provided that the time of adjournment shall not be extended beyond the first day of the next stated session.

14. The person exercising the office of Governor may, in cases of special necessity, convene the General Assembly at any town or city in this State, at any other time than hereinbefore provided. And, in case of danger from



the prevalence of epidemic or contagious diseases, or from other circumstances, in the place in which the General Assembly are next to meet, he may, by proclamation, convene the Assembly at any other place within the State.

15. A Secretary of State, a General Treasurer, and an Attorney General, shall also be chosen annually, in the same manner, and for the same time, as is herein provided respecting the Governor. The duties of these officers shall be the same as are now, or may hereafter be, prescribed by law. Should there be a failure to choose either of them, or should a vacancy occur in either of their offices, the General Assembly shall fill the place by an election in joint committee.

16. The electors in each county shall, at the annual elections, vote for an inhabitant of the county to be sheriff of said county, for one year, and until a successor be duly qualified. In case no person shall have a majority of the electoral votes of his county for sheriff, the General Assembly, in joint committee, shall elect a sheriff from the two candidates who shall have the greatest number of votes in such county.

17. All commissions shall be in the name of the State of Rhode Island and Providence Plantations, sealed with the seal of the State, and attested by the Secretary.

#### ARTICLE IX.

##### *General provisions.*

1. This constitution shall be the supreme law of the State; and all laws contrary to, or inconsistent with the same, which may be passed by the General Assembly, shall be null and void.

2. The General Assembly shall pass all necessary laws for carrying this constitution into effect.

3. The judges of all the courts, and all other officers, both civil and military, shall be bound by oath or affirmation to the due observance of this constitution, and of the constitution of the United States.

4. No jurisdiction shall, hereafter, be entertained by the General Assembly in cases of insolvency, divorce, sale of real estate of minors, or appeal from judicial decisions, nor in any other matters appertaining to the jurisdiction of judges and courts of law. But the General Assembly shall confer upon the courts of the State all necessary powers for affording relief in the cases herein named; and the General Assembly shall exercise all other jurisdiction and authority which they have heretofore entertained, and which is not prohibited by, nor repugnant to, this constitution.

5. The General Assembly shall, from time to time, cause estimates to be made of the ratable property of the State, in order to the equitable apportionment of State taxes.

6. Whenever a direct tax is laid by the State, one-sixth part thereof shall be assessed on the polls of the qualified electors: provided that the tax on a poll shall never exceed the sum of fifty cents; and that all persons who actually perform military duty, or duty in the fire department, shall be exempted from said poll-tax.

7. The General Assembly shall have no power hereafter to incur State debts to an amount exceeding the sum of fifty thousand dollars, except in time of war, or in case of invasion, without the express consent of the peo-

pie. Every proposition for such increase shall be submitted to the electors at the next annual election, or on some day to be set apart for that purpose; and shall not be farther entertained by the General Assembly, unless it receive the votes of a majority of all the persons voting. This section shall not be construed to refer to any money that now is, or hereafter may be, deposited with this State by the General Government.

8. The assent of two-thirds of the members elected to each House of the General Assembly shall be requisite to every bill appropriating the public moneys, or property, for local or private purposes; or for creating, continuing, altering, or renewing any body politic or corporate, banking corporations excepted.

9. Hereafter, when any bill creating, continuing, altering, or renewing any banking corporation, authorized to issue its promissory notes for circulation, shall pass the two Houses of the General Assembly, instead of being sent to the Governor, it shall be referred to the electors for their consideration, at the next annual election, or on some day to be set apart for that purpose, with printed tickets containing the question—Shall said bill (with a brief description thereof) be approved, or not? and if a majority of the electors voting shall vote to approve said bill, it shall become a law; otherwise not.

10. All grants of incorporation shall be subject to future acts of the General Assembly, in amendment or repeal thereof, or in anywise affecting the same; and this provision shall be inserted in all acts of incorporation hereafter granted.

11. The General Assembly shall exercise, as heretofore, a visitatorial power over corporations. Three bank commissioners shall be chosen at the June session for one year, to carry out the powers of the General Assembly in this respect. And commissioners for the visitation of other corporations, as the General Assembly may deem expedient, shall be chosen at the June session, for the same term of office.

12. No city council, or other government, in any city, shall have power to vote any tax upon the inhabitants thereof, excepting the amount necessary to meet the ordinary public expenses in the same, without first submitting the question of an additional tax, or taxes, to the electors of said city; and a majority of all who vote shall determine the question. But no elector shall be entitled to vote, in any city, upon any question of taxation thus submitted, unless he shall be qualified by the possession, in his own right, of ratable property to the amount of one hundred and fifty dollars, and shall have been assessed thereon to pay a city tax, and shall have paid the same, as provided in section fourth of article two. Nothing in that article shall be so construed as to prevent any elector from voting for town officers, and, in the city of Providence, and other cities, for mayor, aldermen, and members of the common council.

13. The General Assembly shall not pass any law, nor cause any act or thing to be done, in any way to disturb any of the owners or occupants of land in any territory now under the jurisdiction of any other State or States, the jurisdiction whereof may be ceded to, or decreed to belong to, this State; and the inhabitants of such territory shall continue in the full, quiet, and undisturbed enjoyment of their titles to the same, without interference in any way on the part of this State.

## ARTICLE X.

*Of elections.*

1. The election of the governor, lieutenant governor, secretary of state, general treasurer, attorney general, and also of senators and representatives to the General Assembly, and of sheriffs of the counties, shall be held on the third Wednesday of April annually.

2. The names of the persons voted for as governor, lieutenant governor, secretary of state, general treasurer, attorney general, and sheriffs of the respective counties, shall be put upon one ticket; and the tickets shall be deposited by the electors in a box by themselves. The names of the persons voted for as senators and as representatives shall be put upon separate tickets, and the tickets shall be deposited in separate boxes. The polls for all the officers named in this section shall be opened at the same time.

3. All the votes given for governor, lieutenant governor, secretary of state, general treasurer, attorney general, sheriffs, and also for senators, shall remain in the ballot-boxes till the polls be closed. These votes shall then, in open town and ward meetings, and in the presence of at least ten qualified voters, be taken out and sealed up, in separate envelopes, by the moderators and town clerks, and by the wardens and ward clerks, who shall certify the same, and forthwith deliver or send them to the Secretary of State, whose duty it shall be securely to keep the same, and to deliver the votes for State officers and sheriffs to the Speaker of the House of Representatives, after the House shall be organized, at the June session of the General Assembly. The votes last named shall, without delay, be opened, counted, and declared, in such manner as the House of Representatives shall direct; and the oath of office shall be administered to the persons who shall be declared to be elected, by the Speaker of the House of Representatives, and in the presence of the House: provided that the sheriffs may take their engagement before a Senator, judge, or justice of the peace. The votes for Senators shall be counted by the Governor and Secretary of State within seven days from the day of election; and the Governor shall give certificates to the Senators who are elected.

4. The boxes containing the votes for representatives to the General Assembly in the several towns shall not be opened till the polls for representatives are declared to be closed. The votes shall then be counted by the moderator and clerk, who shall announce the result, and give certificates to the person selected. If there be no election, or not an election of the whole number of representatives to which the town is entitled, the polls for representatives may be re-opened, and the like proceedings shall be had, until an election shall take place: provided, however, that an adjournment of the election may be made to a time not exceeding seven days from the first meeting.

5. In the city of Providence, and other cities, the polls for representatives shall be kept open during the whole time of voting for the day; and the votes in the several wards shall be sealed up, at the close of the meeting, by the wardens and ward clerks, in the presence of at least ten qualified electors, and delivered to the city clerks. The mayor and aldermen of said city or cities shall proceed to count said votes within two days from the day of election; and if no election, or an election of only a portion of the representatives whom the representative districts are entitled to elect, shall have taken place, the mayor and aldermen shall order a new election to be



held, not more than ten days from the day of the first election ; and so on, till the election of representatives shall be completed. Certificates of election shall be furnished to the persons chosen, by the city clerks.

6. If there be no choice of a senator or senators at the annual election, the governor shall issue his warrant to the town and ward clerks of the several towns and cities in the senatorial district or districts that may have failed to elect, requiring them to open town or ward meetings for another election, on a day not more than fifteen days beyond the time of counting the votes for senators. If, on the second trial, there shall be no choice of a senator or senators, the Governor shall certify the result to the Speaker of the House of Representatives; and the House of Representatives, and as many senators as shall have been chosen, shall forthwith elect, in joint committee, a senator or senators, from the two candidates who may receive the highest number of votes in each district.

7. If there be no choice of Governor at the annual election, the Speaker of the House of Representatives shall issue his warrant to the clerks of the several towns and cities, requiring them to notify town and ward meetings for another election, on a day to be named by him, not more than thirty nor less than twenty days beyond the time of receiving the report of the committee of the House of Representatives who shall count the votes for Governor. If on this second trial there shall be no choice of a Governor, the two Houses of the General Assembly shall, at their next session, in joint committee, elect a Governor from the two candidates having the highest number of votes, to hold his office for the remainder of the political year, and until his successor be duly qualified.

8. If there be no choice of Governor and Lieutenant Governor at the annual election, the same proceedings for the choice of a Lieutenant Governor shall be had as are directed in the preceding section : provided, that the second trial for the election of Governor and Lieutenant Governor shall be on the same day : and also provided, that, if the Governor shall be chosen at the annual election, and the Lieutenant Governor shall not be chosen, then the last named officer shall be elected in joint committee of the two Houses, from the two candidates having the highest number of votes, without a further appeal to the electors. The Lieutenant Governor, elected as is provided in this section, shall hold his office as is provided in the preceding section respecting the Governor.

9. All town, city, and ward meetings for the choice of representatives, justices of the peace, sheriffs, senators, State officers, representatives to Congress, and electors of President and Vice President, shall be notified by the town, city, and ward clerks, at least seven days before the same are held.

10. In all elections held by the people under this constitution, a majority of all the electors voting shall be necessary to the choice of the person or persons voted for.

11. The oath, or affirmation, to be taken by all the officers named in this article shall be the following : You, being elected to the place (of governor, lieutenant governor, secretary of state, general treasurer, attorney general, or to the places of senators or representatives, or to the office of sheriff or justice of the peace,) do solemnly swear, or severally solemnly swear, or affirm, that you will be true and faithful to the State of Rhode Island and Providence Plantations, and that you will support the constitution thereof; that you will support the constitution of the United States; and that you will faithfully and impartially discharge the duties of your afore-

said office, to the best of your abilities and understanding: so help you God! or, this affirmation you make and give upon the peril of the penalty of perjury.

#### ARTICLE XI.

##### *Of the Judiciary.*

1. The judicial power of this State shall be vested in one supreme court, and in such other courts, inferior to the supreme court, as the Legislature may, from time to time, ordain and establish: and the jurisdiction of the supreme and of all other courts may, from time to time, be regulated by the General Assembly.

2. Chancery powers may be conferred on the supreme court; but no other court exercising chancery powers shall be established in this State, except as is now provided by law.

3. The justices of the supreme court shall be elected in joint committee of the two Houses, to hold their offices for one year, and until their places be declared vacant by a resolution to that effect, which shall be voted for by a majority of all the members elected to the House in which it may originate, and be concurred in by the same vote of the other House, without revision by the Governor. Such resolution shall not be entertained at any other than the annual session for the election of public officers; and, in default of the passage thereof at the said session, the judge, or judges, shall hold his or their place or places for another year. But a judge of any court shall be removable from office, if, upon impeachment, he shall be found guilty of any official misdemeanor.

4. In case of vacancy by the death, resignation, refusal, or inability to serve, or removal from the State, of a judge of any court, his place may be filled by the joint committee, until the next annual election; when, if elected, he shall hold his office as herein provided.

5. The justices of the supreme court shall receive a compensation, which shall not be diminished during their continuance in office.

6. The judges of the courts inferior to the supreme court shall be annually elected in joint committee of the two Houses, except as herein provided.

7. There shall be annually elected by each town, and by the several wards in the city of Providence, a sufficient number of justices of the peace, or wardens resident therein, with such jurisdiction as the General Assembly may prescribe. And said justices or wardens (except in the towns of New Shoreham and Jamestown) shall be commissioned by the Governor.

8. The General Assembly may provide that justices of the peace, who are not re-elected, may hold their offices for a time not exceeding ten days beyond the day of the annual election of these officers.

9. The courts of probate in this State, except the supreme court, shall remain as at present established by law, until the General Assembly shall otherwise prescribe.

#### ARTICLE XII.

##### *Of education.*

1. All moneys which now are, or may hereafter be, appropriated, by the

authority of the State, to public education, shall be securely invested, and remain a perpetual fund for the maintenance of free schools in this State ; and the General Assembly are prohibited from diverting said moneys or fund from this use, and from borrowing, appropriating, or using the same, or any part thereof, for any other purpose, or under any pretence whatsoever. But the income derived from said moneys or fund shall be annually paid over, by the general treasurer, to the towns and cities of the State, for the support of said schools, in equitable proportions : provided, however, that a portion of said income may, in the discretion of the General Assembly, be added to the principal of said fund.

2. The several towns and cities shall faithfully devote their portions of said annual distribution to the support of free schools ; and, in default thereof, shall forfeit their shares of the same to the increase of the fund.

3. All charitable donations for the support of free schools, and other purposes of public education, shall be received by the General Assembly, and invested and applied agreeably to the terms prescribed by the donors : provided the same be not inconsistent with the constitution, or with sound public policy ; in which case, the donation shall not be received.

#### ARTICLE XIII.

##### *Amendments.*

The General Assembly may propose amendments to this constitution by the vote of a majority of all the members elected to each House. Such propositions shall be published in the newspapers of the State ; and printed copies of said propositions shall be sent by the Secretary of State, with the names of all the members who shall have voted thereon, with the yeas and nays, to all the town and city clerks in the State ; and the said propositions shall be by said clerks inserted in the notices, by them issued, for warning the next annual town and ward meetings in April, and the town and ward clerks shall read said propositions to the electors when thus assembled, with the names of all the Representatives and Senators who shall have voted thereon, with the yeas and nays, before the election of Representatives and Senators shall be had. If a majority of all the members elected at said annual meetings, present in each House, shall approve any proposition thus made, the same shall be published, as before provided, and then sent to the electors in the mode provided in the act of approval ; and, if then approved by a majority of the electors who shall vote in town and ward meetings, to be specially convened for that purpose, it shall become a part of the constitution of the State.

#### ARTICLE XIV.

##### *Of the adoption of the constitution.*

1. This constitution shall be submitted to the people, for their adoption or rejection, on Monday, the 27th day of December next, and on the two succeeding days ; and all persons voting are requested to deposite in the ballot boxes printed or written tickets in the following form : I am an American citizen, of the age of twenty-one years, and have my permanent residence, or home, in this State. I am (or not) qualified to vote under the existing laws of this State. I vote for (or against) the constitution formed by



the convention of the people, assembled at Providence, and which was proposed to the people by said convention on the 18th day of November, 1841.

2. Every voter is requested to write his name on the face of his ticket; and every person entitled to vote as aforesaid, who, from sickness or other causes, may be unable to attend and vote in the town or ward meetings assembled for voting upon said constitution, on the days aforesaid, is requested to write his name upon a ticket, and to obtain the signature, upon the back of the same, of a person who has given in his vote, as a witness thereto. And the moderator, or clerk, of any town or ward meeting convened for the purpose aforesaid, shall receive such vote, on either of the three days next succeeding the three days before named for voting on said constitution.

3. The citizens of the several towns in this State, and of the several wards in the city of Providence, are requested to hold town and ward meetings on the days appointed, and for the purpose aforesaid; and also to choose, in each town and ward, a moderator and clerk, to conduct said meetings, and receive the votes.

4. The moderators and clerks are required to receive, and carefully to keep, the votes of all persons qualified to vote as aforesaid, and to make registers of all the persons voting; which, together with the tickets given in by the voters, shall be sealed up, and returned by said moderators and clerks, with certificates signed and sealed by them, to the clerks of the convention of the people, to be by them safely deposited and kept, and laid before said convention, to be counted and declared at their next adjourned meeting, on the 12th day of January, 1842.

5. This constitution, except so much thereof as relates to the election of the officers named in the sixth section of this article, shall, if adopted, go into operation on the first Tuesday of May, in the year one thousand eight hundred and forty-two.

6. So much of the constitution as relates to the election of the officers named in this section shall go into operation on the Monday before the third Wednesday of April next preceding. The first election under this constitution, of Governor, Lieutenant Governor, Secretary of State, General Treasurer, and Attorney General, of Senators and Representatives, of sheriffs for the several counties, and of justices of the peace for the several towns, and the wards of the city of Providence, shall take place on the Monday aforesaid.

7. The electors of the several towns and wards are authorized to assemble on the day aforesaid, without being notified, as is provided in section 9th of article 10, and without the registration required in section 7th of article 2, and to choose moderators and clerks, and proceed in the election of the officers named in the preceding section.

8. The votes given in at the first election for Representatives to the General Assembly, and for justices of the peace, shall be counted by the moderators and clerks of the towns and wards chosen as aforesaid; and certificates of election shall be furnished by them to the Representatives and justices of the peace elected.

9. Said moderators and clerks shall seal up, certify, and transmit to the House of Representatives all the votes that may be given in at said first election for Governor and State officers, and for Senators and sheriffs; and the votes shall be counted as the House of Representatives may direct.

10. The Speaker of the House of Representatives shall, at the first ses-

sion of the same, qualify himself to administer the oath of office to the members of the House, and to other officers, by taking and subscribing the same oath in the presence of the House.

11. The first session of the General Assembly shall be held in the city of Providence on the first Tuesday of May, in the year one thousand eight hundred and forty-two, with such adjournments as may be necessary; but all other sessions shall be held as is provided in article 4 of this constitution.

12. If any of the Representatives, whom the towns or districts are entitled to choose at the first annual election aforesaid, shall not be then elected, or if their places shall become vacant during the year, the same proceedings may be had to complete the election, or to supply vacancies, as are directed concerning elections in the preceding sections of this article.

13. If there shall be no election of Governor or Lieutenant Governor, or of both of these officers, or of a Senator or Senators, at the first annual election, the House of Representatives, and as many Senators as are chosen, shall forthwith elect, in joint committee, a Governor or Lieutenant Governor, or both, or a Senator or Senators, to hold their offices for the remainder of the political year; and, in the case of the two officers first named, until their successors shall be duly qualified.

14. If the number of justices of the peace determined by the several towns and wards on the day of the first annual election shall not be then chosen, or if vacancies shall occur, the same proceedings shall be had as are provided for in this article in the case of a non election of Representatives and Senators, or of vacancies in their offices. The justices of the peace thus elected shall hold office for the remainder of the political year, or until the second annual election of justices of the peace, to be held on such day as may be prescribed by the General Assembly.

15. The justices of the peace elected in pursuance of the provisions of this article, may be engaged by the persons acting as moderators of the town and ward meetings, as herein provided; and said justices, after obtaining their certificates of election, may discharge the duties of their office, for a time not exceeding twenty days, without a commission from the Governor.

16. Nothing contained in this article, inconsistent with any of the provisions of other articles of the constitution, shall continue in force for a longer period than the first political year under the same.

17. The present government shall exercise all the powers with which it is now clothed, until the said first Tuesday of May, one thousand eight hundred and forty-two, and until their successors, under this constitution, shall be duly elected and qualified.

18. All civil, judicial, and military officers now elected, or who shall hereafter be elected by the General Assembly, or other competent authority, before the said first Tuesday of May, shall hold their offices, and may exercise their powers, until that time.

19. All laws and statutes, public and private, now in force, and not repugnant to this constitution, shall continue in force until they expire by their own limitation, or are repealed by the General Assembly. All contracts, judgments, actions, and rights of action, shall be as valid as if this constitution had not been made. All debts contracted, and engagements entered into, before the adoption of this constitution, shall be as valid against the State as if this constitution had not been made.

20. The supreme court, established by this constitution, shall have the same jurisdiction as the supreme judicial court at present established; and shall have jurisdiction of all causes which may be appealed to, or pending in the same; and shall be held at the same times and places in each county, as the present supreme judicial court, until the General Assembly shall otherwise prescribe.

21. The citizens of the town of New Shoreham shall be hereafter exempted from military duty, and the duty of serving as jurors in the courts of this State. The citizens of the town of Jamestown shall be forever hereafter exempted from military field duty.

22. The General Assembly shall, at their first session after the adoption of this constitution, propose to the electors the question, whether the word "white," in the first line of the first section of article 2 of the constitution, shall be stricken out. The question shall be voted upon at the succeeding annual election; and if a majority of the electors voting shall vote to strike out the word aforesaid, it shall be stricken from the constitution; otherwise, not. If the word aforesaid shall be stricken out, section 3d of article 2 shall cease to be a part of the constitution.

23. The president, vice presidents, and secretaries shall certify and sign this constitution, and cause the same to be published.

Done in convention, at Providence, on the 18th day of November, in the year one thousand eight hundred and forty one, and of American independence the sixty-sixth.

JOSEPH JOSLIN, *President of the Convention.*

WAGER WEEDEN, {  
SAMUEL H. WALES, { *Vice Presidents.*

Attest:

WILLIAM H. SMITH, {  
JOHN S. HARRIS, { *Secretaries.*

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No. 89.—(L c.)

*Resolutions of the people's convention, declaring the adoption of the people's constitution.*

Whereas, by the return of the votes upon the constitution, proposed to the citizens of this State by this convention on the 18th day of November 1841, it satisfactorily appears that the citizens of this State, in their original and sovereign capacity, have ratified and adopted said constitution by a large majority; and the will of the people, thus decisively made known, ought to be implicitly obeyed and faithfully executed:

We do, therefore, resolve and declare that said constitution rightfully ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

And we do further resolve and declare, for ourselves, and in behalf of the people whom we represent, that we will establish said constitution, and sustain and defend the same by all necessary means.

*Resolved*, That the officers of this convention make proclamation of the return of the votes upon the constitution; and that the same has been adopted, and has become the constitution of this State; and that they cause said proclamation to be published in the newspapers of the same.



*Resolved*, That a certified copy of the report of the committee appointed to count the votes upon the constitution, and of these resolutions, and of the constitution, be sent to his excellency the Governor, with a request that he communicate the same to the two Houses of the General Assembly.

The undersigned, who were appointed on the 12th day of January, 1842, a committee of the people's convention, to examine and count the votes upon the constitution proposed to the people by said convention, on the 18th day of November last, which said votes were given in on the 27th day of December last, and on the five subsequent days, report that they have attended to the duty of their appointment, and they present to the convention the following statement of the result:

*County of Providence.*

Providence—

	Freemen.	Non-freemen.	Total.
First ward -	162	362	524
Second ward -	90	281	371
Third ward -	165	472	637
Fourth ward -	142	357	499
Fifth ward -	245	519	764
Sixth ward -	255	506	761
	<u>1,059</u>	<u>2,497</u>	<u>3,556</u>
Smithfield -	382	956	1,338
Scituate -	208	316	524
Glocester -	195	207	402
Cumberland -	294	598	892
Cranston -	167	237	404
Johnston -	141	206	347
North Providence*	214	469	683
Foster -	124	114	238
Burrillville -	149	134	283
	<u>2,933</u>	<u>5,734</u>	<u>8,667</u>

*County of Newport.*

Newport -	319	883	1,202
Portsmouth -	71	55	126
New Shoreham†	102	30	132
Jamestown -	18	13	31
Middletown -	8	22	30
Tiverton -	102	172	274
Little Compton -	19	25	44
	<u>639</u>	<u>1,200</u>	<u>1,839</u>

\* The votes of five freemen and of three non-freemen given in favor of the constitution, were rejected for informality of the return.

† Twenty six additional votes for the constitution were given by twenty-two freemen and four non-freemen, of which no regular return was made.

*County of Kent.*

	Freemen.	Non-freemen.	Total.
Warwick -	309	591	900
East Greenwich -	50	85	135
West Greenwich -	17	45	62
Coventry -	157	249	406
	<u>533</u>	<u>970</u>	<u>1,503</u>

*County of Bristol.*

Bristol -	152	214	366
Warren -	103	107	210
Barrington -	28	24	52
	<u>283</u>	<u>345</u>	<u>628</u>

*County of Washington.*

Westerly -	107	144	251
North Kingstown -	84	169	253
South Kingstown -	138	137	275
Charlestown -	64	36	100
Exeter -	52	82	134
Richmond -	44	88	132
Hopkinton -	83	79	162
	<u>572</u>	<u>735</u>	<u>1,307</u>

## RECAPITULATION OF THE COUNTIES.

Providence -	2,933	5,734	8,667
Newport -	639	1,200	1,839
Washington -	572	735	1,307
Kent -	533	970	1,503
Bristol -	283	345	628
	<u>4,960</u>	<u>8,984</u>	<u>13,944</u>

The whole number of males in this State, over the age of 21 years, as nearly as can be ascertained by the census of the United States for the year 1840, is 26,142. Deducting at a moderate computation 3,000 persons who are not citizens of the United States over the age of 21 years and permanent residents, or who are excluded by being under guardianship, insane, or convict, and the remainder is 23,142, of whom a majority is 11,572. The constitution has received 873 votes more than one-half of all the adult males in the State, and 2,372 more than half of all those qualified to vote for said constitution by citizenship, age, and residence, as aforesaid, and an actual majority of 4,746. Deduct from 23,142, the whole number who voted for the constitution, (viz: 13,944,) and the remainder is 9,198; of whom 9,146 did not vote, and 52 voted against the constitution, viz: In Smithfield 2; North Providence 11; Tiverton 3; Little Compton 17; Westerly 1; South Kingstown 10; Warwick 1; East Greenwich 6; and Warren 1.

Of the persons who voted, 4,960 are qualified voters under the existing laws of the State. The greatest number of votes ever polled by said voters was 8,622, at the presidential election in November, 1840; of this number, a majority of 1,298 have voted for the constitution—making, also, as your committee believe, a majority of all the freemen of the State.

The committee have found all the returns of votes from the several towns and wards to have been regularly made, and accompanied with lists of all the persons voting, which lists enumerate the qualified voters, and those who are not. Every voter has signed his name upon his ticket; and the committee believe that both the voting and the returns have been as regular and accurate as at any election ever held in this State.

A considerable number of votes were returned as having been given by freeholders who had not yet been admitted freemen; but they were, of course, counted with those of the non freemen.

The committee report to the convention, as the result of their examination and count of the votes, that the constitution proposed to the people by said convention on the 18th day of November last, has been adopted by a large majority of the citizens over the age of 21 years, having their permanent residence in the State.

William James, *Chairman.*

John R. Waterman,

Dutée J. Pearce,

David Daniels,

Oliver Chace, jr.,

Robert R. Carr,

Ariel Ballou,

Thomas W. Dorr,

Samuel T. Hopkins,

Alfred Reed,

Wm. C. Barker,

Abner Haskell,

Alexander Allen,

Willard Hazard,

Welcome Ballou Sayles,

Sylv. Himes,

Israel Wilson,

Jonathan Remington,

Christ. Smith,

Elisha G. Smith,

Samuel Luther,

Erasmus D. Campbell,

Nathan Bardin,

Joshua B. Rathbun,

Nathan A. Brown.

Wm. H. Smith, } *Secretaries.*  
John S. Harris, }

PROVIDENCE, *January 13, 1842.*

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### No. 90.—(H b.)

AN ACT calling a convention of the people to frame a written constitution for this State.

*Be it enacted by the General Assembly as follows:*

SECTION 1. The citizens of the several towns in this State, and of the city of Providence, are hereby requested to choose, at the semi-annual town and ward meetings in August next, for the election of representatives to the General Assembly, delegates to a convention to be held at Providence on the first Monday of November, 1841, to frame a written constitution of government for this State.

SEC. 2. The delegates to said convention shall be apportioned to the towns and city aforesaid, as nearly as may be in the ratio of one delegate to every thousand inhabitants, as follows:

Newport shall be entitled to elect 8 delegates.

Portsmouth                    "                    "                    2                    "



Middletown shall be entitled to elect 1 delegate.

Tiverton	"	"	3	"
Little Compton	"	"	1	"
New Shoreham	"	"	1	"
Jamestown	"	"	1	"
Providence	"	"	18	"
North Providence	"	"	4	"
Smithfield	"	"	9	"
Cumberland	"	"	5	"
Scituate	"	"	4	"
Cranston	"	"	3	"
Johnston	"	"	2	"
Glocester	"	"	2	"
Foster	"	"	2	"
Burrillville	"	"	2	"
South Kingstown	"	"	4	"
Westerly	"	"	2	"
North Kingstown	"	"	3	"
Exeter	"	"	2	"
Charlestown	"	"	1	"
Hopkinton	"	"	2	"
Richmond	"	"	1	"
Warwick	"	"	7	"
Coventry	"	"	3	"
East Greenwich	"	"	2	"
West Greenwich	"	"	1	"
Bristol	"	"	3	"
Warren	"	"	2	"
Barrington	"	"	1	"

In the city of Providence each ward shall be entitled to three delegates, who shall be chosen by the resident voters in the same; and the mayor and aldermen of said city shall furnish separate certificates of election to the delegates of each ward respectively.

SEC. 3. Any person who is entitled to vote under this act, may be elected a delegate.

SEC. 4. Every male inhabitant of this State, of the age of twenty-one years, who is a citizen of the United States, and who has resided in this State for two years, and in the town or city where he offers to vote for three months next previous to the day of town and ward meetings aforesaid, (persons insane, under guardianship, or convict excepted,) shall be entitled to vote in the choice of delegates, and upon the question whether the constitution submitted to the people shall be ratified or rejected.

SEC. 5. Any person who shall be challenged on either of the occasions of voting as aforesaid, for want of any of the qualifications of a voter prescribed in section 4, shall be examined on oath by the moderator or warden, and if he shall swear to his qualification or qualifications, he shall be admitted to vote. Any person who shall commit perjury in falsely swearing to his qualification or qualifications as aforesaid, shall, on conviction by a competent court, be sentenced to the State penitentiary for a term not less than three months, nor more than one year.

SEC. 6. The voters for delegates, and upon the proposed constitution, and under this act, shall vote by ballot. They shall be required to write their names upon their tickets, and they shall deposit their votes in close

boxes, to be provided by the clerks for that purpose. It is hereby made the duty of the town clerks, and of the wardens in the city of Providence, to record in alphabetical lists the name of every voter, as he deposits his vote, and to return certified copies of said lists to the offices of the town clerks, and of the city clerk of Providence, to be preserved on file. Every town clerk, and every warden, who shall neglect for five days to make such return of the certified list of voters aforesaid, shall pay a fine of five hundred dollars, to be recovered by indictment, for the use of the State, before any competent court.

SEC. 7. A majority of the whole number of delegates, whom all the towns and the city of Providence are entitled to choose, shall constitute a quorum, who may elect a president and secretaries, judge of the qualifications of the members, and establish such rules of order, and direct such proceedings as they think necessary; and every town or city which may omit to elect its delegates at said meetings in August, may elect at any time previous to the meeting of said convention.

SEC. 8. The constitution agreed upon by said convention shall be submitted to the voters qualified as aforesaid, in open town or ward meetings, to be held at such time as may be appointed by said convention. The said constitution shall be certified by the president and secretaries, and returned to the secretary of state, who shall forthwith distribute to the several town and city clerks, in due proportion, for the information of the citizens, thirty thousand printed copies thereof; and also forty thousand ballots, on one side of which shall be printed "Constitution framed by the convention held at Providence on the first Monday of November last;" and on the other side, the word "approve" on half of the said ballots, and the word "reject" on the other half.

SEC. 9. On the days of voting under this act, the polls shall be opened in every town, and in the city of Providence, at 10 o'clock, a. m., and shall not be closed before sunset.

SEC. 10. The ballots given for and against the constitution shall be sealed up in open town or ward meetings, by the clerks, in the presence of at least ten voters, and, with the lists of the names of the voters, shall be returned to the General Assembly, at its next succeeding session; and the General Assembly shall forthwith cause said ballots to be examined and counted. If the said constitution be approved by the majority of the citizens voting, it shall go into operation and effect at such time as the convention shall have appointed.

SEC. 11. The members of the convention shall receive the same compensation as the members of the General Assembly, to be paid to them by the general treasurer on certificate of one of the secretaries; and a sum not exceeding five hundred dollars is hereby appropriated for defraying the expenses of the convention, to be paid by the general treasurer, according to the orders of said convention, certified by its president.

SEC. 12. The resolutions passed at the January session, 1841, requesting the "freemen" to choose delegates to the convention therein, are hereby repealed.

*Endorsed*—"An act calling a convention," not recommended.

H. Y. CRANSTON,

*For the Committee.*

JUNE 25, 1841.—Rejected—51 to 10.

Mr. Atwell, from the Committee on the Judiciary, to whom the above act was referred, reported the same, as a minority report, with the following amendments:

"Strike out 2d section, and substitute therefor the first resolution of the resolves of May, 1841."

"In section 4th, line 5th, after the word 'excepted,' add the words 'and who shall have paid town or State taxes assessed on real or personal estate at any time during one year next before the time of his such voting.'"

"In line 1, section 4, insert 'free white' after the first word 'every.'"

"Add to section 12, the 2d and 3d resolutions on this subject, passed at the May session, 1841."

True copies from the files of the House of Representatives.

THOS. A. JENCKES, *Clerk*.

### No. 91.—(1 a, 1 b.)

*Copy from the records of the House under date of May 7, 1841.*

"An act calling a convention of the people to frame a written constitution for this State. Introduced by Mr. Atwell. Read first time, and referred to judiciary committee."

*Under date of Friday, June 25.*

"The morning was consumed in debate, mostly between Mr. Atwell and Mr. Ames, on the act (No. 44 May session) calling a convention of the people to frame a constitution, which was not concluded when the House adjourned till 3 o'clock, p. m.

"P. M. The discussion was resumed upon the act calling a convention, which was participated in by Mr. Ames and Mr. Atwell, and briefly by several others. The House was then called on the passage of the bill, when the ayes and noes stood as follows:

"*Ayes*.—Messrs. Atwell, Ballou, Cook, C. G. Greene, Randall, Baker, A. Church, jr., Gavit, Hall, C. Robinson.—10.

"*Noes*.—Messrs. Ames, Arnold, Babcock, Barber, Bateman, Brayton, Brown, Burges, Burton, Chase, Childs, Church, S. Clarke, Cole, Crandell, Cranston, Drown, F. Greene, Holbridge, Kenyon, King, Lewis, Low, J. Manchester, W. Manchester, Mathewson, Moss, Mowry, Newton, Pearce, Perry, Randolph, W. A. Robinson, Rose, Sands, Shaw, Slocum, Smith, Spencer, W. Sprague, A. Sprague, Stead, Taggart, Vaughn, E. Watson, jr., R. H. Watson, Weaver, Westcott, Whipple, Wilbour, Wilkinson.—52.

"So the bill was lost."

A true copy from the records of the House of Representatives.

THOMAS A. JENCKES, *Clerk*.



No. 92.—(L. a.)

*Copy of the records of the House of Representatives, at their January session, 1842.*

Under date of Tuesday, January 11th, the following entry appears:

"A bill to alter the day of annual election, to dissolve the constitutional convention, and to adjourn the General Assembly in May *sine die*, was presented by Mr. Atwell, and read the first time.

"February 5.—Indefinitely postponed."

*Under date of January 14.*

"Communication from the Governor, enclosing papers from the 'people's convention.'

"February 5.—Indefinitely postponed."

*Under date of January 20.*

"Mr. Atwell called up his act presented at the beginning of the session. He moved its reference, together with all the papers communicated by the Governor, to a committee of three from each county, to examine the whole subject, and investigate the elections and their returns, (the results of which had been communicated to the House,) in order to learn if a majority of the freemen had voted. The debate lasted the whole morning.

"P. M. The consideration of Mr. Atwell's motion next came up. This was discussed by Messrs. Cranston, Spencer, Whipple, Robinson, Burges, Randolph, and King, until 6 o'clock, when the House adjourned."

*January 21.*

"Mr. Atwell called up the consideration of his motion, which was discussed by Messrs. Clarke, Dixon, Bosworth, and Howe, till after 12 o'clock, when the House adjourned.

"P. M. Mr. Atwell's motion was then taken up, and debated by Messrs. Jackson and Atwell until 6 o'clock, when the House adjourned."

*January 22.*

"Mr. Atwell's motion came up for consideration, and was debated by Messrs. Atwell, Spencer, Jackson, and Randolph, until past 12 o'clock, when the House was called upon its passage, and it was rejected as follows:

"*Ayes.*—Messrs. Atwell, W. S. Burges, Brayton, J. H. Clarke, Gavit, Keech, Rose, W. Sprague, A. Sprague, Slocum, Thurston.—11.

"*Noes.*—The Speaker, Messrs. Atwood, Arnold, Bosworth, Babcock, Browning, Baker, A. Brown, C. Brown, Barton, Barber, E. Burgess, jr., Cranston, S. Clarke, D. Clarke, Chase, A. Church, jr., N. Church, Cook, Cole, Dixon, Danby, Durfee, Drown, Green, Hoxie, John Hazard, Jeremiah Hazard, Howe, King, Kenyon, Lawton, Low, J. Manchester, W. Manchester, Mathewson, Mowry, Newton, Perry, Pearce, Randolph, Reynolds, Robinson, Randall, Spencer, Sands, Sherman, Smith, Tefit, Taggart, Watson, Westcott, Whipple, Weaver, Wilkinson, Wood, Walling.—57."

No. 93.—(L b.)

*Proposed act to change the day of the annual election, &c.*

Whereas the people of this State have, by a large majority of the resident citizens of the same, of the age of twenty-one years, ratified and adopted the constitution of government for this State, which was submitted to them by the convention sitting at Providence on the 18th day of November last: and

Whereas the sovereign power of the State is vested in the people thereof, and their will is the paramount law of the State, and, when made known, should be implicitly obeyed by the representatives and servants of the people: therefore,

*Be it enacted by the General Assembly as follows :*

1st. So much of the election law of this State as provides that an election of State officers and representatives shall be had on the third Wednesday of April is hereby repealed, in order that said elections may take place according to the terms and provisions of the constitution of the people aforesaid.

2d. The resolutions passed at the January and June sessions of the last year, for the call of a convention of the qualified freeholders of the State to form a constitution, are hereby repealed, excepting so much thereof as provides for the pay of the delegates for their past attendance. The clerks of said convention are requested to issue certificates to the members for said attendance; and the president of the same is requested to certify all the bills of expenses of said convention to an amount not exceeding the sum appropriated by the Assembly for the use of said convention.

The foregoing is endorsed as follows :

“Act to change the day of annual election, dissolve the constitutional convention, and adjourn *sine die*.

“HOUSE OF REPRESENTATIVES, *January 11, 1842*.—Read first time before the Senate was organized.

“HOUSE OF REPRESENTATIVES, *January 14, 1842*.—Read first time.

“February 5, 1842.—Indefinitely postponed.

“J. S. P., *Clerk*.”

A true copy from the files and records of the House of Representatives of the State of Rhode Island.

THOMAS A. JENCKES, *Clerk*.

*February 15, 1844.*

No. 94.—(Q a.)

*Copy of an act passed by the General Assembly at the June session, 1842.*

AN ACT to provide for calling a convention of the people of this State for the purpose of forming a new constitution or form of government for the people thereof.

*Be it enacted by the General Assembly as follows :*

SECTION 1. The people of the several towns in this State and of the city of Providence, qualified to vote as hereinafter provided, are hereby requested at the town or ward meetings, holden on the last Tuesday of August next,

to choose so many delegates as they will be severally entitled to according to the provisions of this act, to attend a convention to be holden at Newport on the second Monday of September next, to frame a new constitution for this State, either in whole or in part, with full powers for that purpose.

SEC. 2. A majority of the whole number of delegates, which all the towns and city of Providence are entitled to elect, shall constitute a quorum, who may elect a president, secretaries, and other officers, judge of the election and qualification of members, punish contempts, and establish such rules and proceedings as they may deem proper. Said convention may adjourn to any place they may think proper. Any town or city which may fail to elect its delegates at the time prescribed, may choose them at any time before the meeting of the convention, and vacancies from resignation, or otherwise, may be filled at any time by a new election.

SEC. 3. The constitution, or articles, agreed upon by the convention, shall be submitted to those qualified to vote as hereinafter provided, in open town or ward meetings, to be held on such day or days, and in such time and manner as the convention shall direct. The constitution, or articles, shall be certified by the president and secretaries, and with the journal and papers of the convention deposited in the office of the secretary of state, who shall immediately distribute to the several town and city clerks, in due proportion, five thousand printed copies of the constitution, or articles, in pamphlet form, and also thirty thousand ballots, on one side of which shall be printed "Constitution, or articles, proposed by the convention holden at Newport, on the second Monday of September, A. D. 1842;" and on the other side thereof shall be written, or printed, the word "adopt" on one-half of them, and the word "reject" on the other half. He shall also cause said constitution, or articles, to be published in any other manner the convention may prescribe.

SEC. 4. At said town or ward meetings, every person voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the voters, be returned to the General Assembly at the next session thereof, who shall cause the votes to be examined and counted; and if said constitution, or articles, be adopted by a majority of the persons having a right to vote, the same shall go into operation at such time or times, and in such manner, as shall be appointed by the convention.

SEC. 5. The delegates to said convention shall be elected upon a basis of population according to the census of 1840, as follows: Every town of not more than 3,000 inhabitants may elect two delegates; over 3,000, and not over 6,000, three delegates; over 6,000, and not over 10,000, four delegates; over 10,000, and not over 15,000, five delegates; and over 15,000, six delegates.

SEC. 6. In the choice of delegates to said convention, the following description of persons shall be admitted to vote: All those who are qualified to vote for general officers by existing laws, and all native male citizens of the United States, (except Narragansett Indians, convicts, paupers, persons under guardianship and *non compos mentis*,) who are of the age of twenty-one years and upwards, and who shall have had their permanent residence, or home, within this State for the period of three years next preceding their voting, and in the town or city wherein they offer to vote for the period of one year next preceding such voting, and who shall have had their names recorded with the town or city clerk of the town or city in which they shall



offer to vote, in proper books to be kept by said town or city clerks for that purpose, at least ten days before the day of voting. In voting upon the adoption, or rejection, of said constitution or articles, in addition to those who are qualified to vote for general officers by the existing laws, all those shall be admitted to vote who will be qualified to vote for general officers under the provisions of said constitution, or articles, if in force; but this provision shall not be construed to give to any person a right to vote at any town or ward meeting held under and by virtue of this act, upon any other question or questions than the questions herein specifically named.

SEC. 7. The delegates shall receive the same compensation for attendance as members of the General Assembly, payable upon the certificate of the secretary.

SEC. 8. A sum not exceeding five hundred dollars is hereby appropriated for defraying the expenses of said convention, to be paid out of the treasury to the order of the president thereof.

SEC. 9. It shall be the duty of the town, city, and ward clerks to warn, according to law, the meetings hereby appointed, and those which may be ordered by said convention.

SEC. 10. Any fourteen members of the convention, including the president, if there be one, shall have full power and authority to compel the attendance of absent members. It shall be the duty of the sheriff of the county where the convention shall be in session, to attend said convention and execute the orders thereof.

SEC. 11. Whenever, in any town or ward meeting holden under this act, any dispute shall arise as to any person's residence, or other qualifications, the moderator, or warden, or person presiding in said meetings, shall have authority to examine under oath the person offering to vote, and other persons who may be present, respecting the same, and decide upon his qualifications, subject to review by the General Assembly.

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#### No. 95.—(Q a.)

*Copy of an act to amend the act calling a convention to frame a new constitution, passed at the June session, 1842.*

AN ACT to amend "An act to provide for calling a convention of the people of this State, for the purpose of forming a new constitution or form of government for the people thereof," passed at June session, A. D. 1842.

Whereas the convention which assembled at Newport on the second Monday of September last, in pursuance of the provisions of the act aforesaid, have requested this General Assembly to declare the true intent and construction of a portion of the fourth section of said act: Therefore,

*Be it enacted by the General Assembly, as follows:* If the constitution or articles that may be framed and submitted to the people, under the provisions of said act, be adopted by a majority of the persons having a right to vote, and actually voting upon the question of adopting the same, the said constitution or articles shall become the supreme law of the State, and shall go into operation at such time or times, and in such manner, as shall be appointed by said convention.

The foregoing is a copy of an act from the published schedule of the October session, A. D. 1842, of the General Assembly.

## No. 96.—(R.)

*Proceedings of the charter assembly, rejecting Mr. Atwell's bill proposing the people's constitution for adoption or rejection.*

From the records of the House of Representatives, at their March session, 1842, under date of March 30, is the following entry :

"An act submitting to the people of this State a constitution, or written form of government, for their adoption or rejection."

Offered by Mr. Atwell, and read first time.

Under date of April 1, Mr. Atwell called up his bill, proposing the "people's constitution," for adoption or rejection. The House was called upon its passage as follows :

Ayes—Atwell, W. S. Burges, Garrett—3.

Noes—The Speaker, Anthony, Atwood, Arnold, Bosworth, Brayton, Browning, Baker, A. Brown, C. Brown, Burton, Barber, Cranston, G. W. Clarke, J. Clarke, D. Clark, Chace, Childs, A. Church, jr., N. Church, Cook, Cole, Dixon, Dauby, Durfee, Drown, Greene, Hoxie, Howe, Kenyon, Keech, Lawton, Low, J. Manchester, W. Manchester, Mathewson, Mowry, Perry, Potter, Pearce, Randolph, Rose, Reynolds, Robinson, Randall, Remington, Spencer, Sprague, Shearman, Slocum, Smith, Taggart, Vaughn, Watson, Whipple, Weaver, Wilkinson, Wood, Walling—59.]

So the bill was rejected by a majority of 56.

A true copy.

THOMAS A. JENCKES, *Clerk.*

The original act has been mislaid, or taken from the file, so that it cannot now be found.

THOMAS A. JENCKES, *Clerk.*

## No. 97.—(N a.)

*Organization of the government under the people's constitution.*

The constitution of the State of Rhode Island and Providence Plantations was proclaimed January 13, 1842.

## STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

On the 3d day of May, 1842, (being the first Tuesday of said May,) the general officers and General Assembly of said State, elected under and by virtue of the constitution of said State, met in the city of Providence, and organized the government.

Thomas W. Dorr, Governor of said State elect, was duly sworn by the speaker of the House of Representatives, in the presence of both houses.

Amasa Eddy, jr., Lieutenant Governor of said State elect, was duly sworn by the speaker, in the presence of both houses.

William H. Smith, Secretary of State elect, was duly sworn by the speaker, in the presence of both houses.

Jonah Titus, Attorney General of State elect, was duly sworn by the speaker, in the presence of both houses.

*Journal of the Senate under the people's constitution.*

IN SENATE, May 3, 1842.

On this 3d day of May, 1842, (being the first Tuesday of said May,) the Senate of said State elected under and by virtue of the authority of the constitution of said State, met in the city of Providence.

Amasa Eddy, jr., president.

Eli Brown, senator elect of the first senatorial district, is duly sworn.

Hezekiah Willard, senator elect of the second senatorial district, is duly sworn.

John Paine, senator elect of the third senatorial district, is duly sworn.

Abner Haskell, senator elect of the fourth senatorial district, is duly sworn.

Solomon Smith, senator elect of the fifth senatorial district, is duly sworn.

Benjamin Nichols, senator elect of the sixth senatorial district, is duly sworn.

Benjamin Chace, senator elect of the eighth senatorial district, is duly sworn.

William James, senator elect of the eleventh senatorial district, is duly sworn.

Christopher Smith, senator elect of the twelfth senatorial district, is duly sworn.

Eli Brown is appointed of a committee on the part of the Senate, to wait on the Governor elect, and inform him that the two houses are organized, and ready to hear any communication he may think proper to make. The Governor delivers a message to both houses in person.

1. Resolutions from the House, that the Governor be requested to inform the President of the United States, &c., that the government of this State has been duly elected and organized under the constitution of this State, were read, concurred in, and approved by the Governor.

2. A resolution from the House, requesting the Governor to issue his proclamation to the people of this State, that the government, under the constitution thereof, has been duly organized, and calling upon all persons, civil and military, to conform themselves to said constitution, and to the laws enacted under the same, and to all other jurisdiction and authority duly exercised by virtue of the same, was read, concurred in, and approved by the Governor.

3. A bill from the House, repealing the act entitled "An act in relation to offences against the sovereign power of the State," passed at the session of the General Assembly, held by adjournment in March, 1842, was read, concurred in, and approved by the Governor.

The Senate adjourned, to meet again at 9 o'clock to-morrow morning.

WEDNESDAY, May 4, 1842.

The Senate met as adjourned.

4. An act providing for the registrations of electors, and directing the manner of voting by ballot in town and ward meetings, was read and concurred in, with an amendment, and sent to the House; returned by the House, concurred in as amended, and approved by the Governor.



5. An act to repeal certain resolutions passed by the General Assembly at their April session, 1842, is read, concurred in, and approved by the Governor.

6. An act to repeal an act entitled "An act to authorize the establishment of volunteer police companies in the city of Providence," passed by the General Assembly at their April session, 1842, is read, concurred in, and approved by the Governor.

7. An act to repeal an act entitled "An act to prevent riots, routs and tumultuous assemblies, and the evil consequences thereof," passed by the General Assembly at their April session, 1842, is read, concurred in, and approved by the Governor.

8. An act to amend the charter of the independent company of United Volunteers in the city of Providence, is read, concurred in, and approved by the Governor.

9. An act in addition to the act entitled "An act imposing duty upon licensed persons and others, and bodies corporate, within this State," is read, concurred in, and approved by the Governor.

The Senate adjourned, to meet at 2 o'clock in the afternoon.

The Senate met at 2 o'clock in the afternoon.

10. An act providing for the compensation of the members of the General Assembly, is read, concurred in, and approved by the Governor.

11. A resolution from the House, appointing Perez Simmons and Nathaniel Mowry to demand and receive the records, books, and papers appertaining to the office, from Henry Bowen, late Secretary of State, and transfer the same to his successor, William H. Smith, is read, concurred in, and approved by the Governor.

The Senate being invited by the House of Representatives to join the House in joint committee, for the purpose of proceeding to the election of officers, join the House.

The president of the Senate presiding.

The election of the justices of the supreme court, is postponed.

The election of the justices of the courts of common pleas for the several counties, is postponed.

The election of the clerks of the supreme court for the several counties, is postponed.

The election of the clerks of the courts of common pleas for the several counties, is postponed.

The election of public notaries for the several counties, is postponed.

The election of bank commissioners, is postponed.

The election of inspectors of the State prison, is postponed.

John Winship is elected inspector general of beef and pork.

The election of inspector general of lime, is postponed.

The election of inspector general of scythe stones, is postponed.

The election of all other civil officers is postponed.

#### *Military officers.*

Americus V. Potter is elected major general of the militia of the State.

The election of brigadier general of the first brigade, is postponed.

Jedediah Sprague is elected brigadier general of the 2d brigade of militia.

The election of brigadier general of the 3d brigade, is postponed.

The election of brigadier general of the 4th brigade, is postponed.

Jonathan M. Wheeler is elected colonel, John S. Dispean lieutenant colonel, and Henry Bailey major, of the 2d regiment of militia.

Smith R. Mowry is elected colonel, Daniel M. Paine lieutenant colonel, and Oren Wright major, of the 6th regiment of militia.

John H. Eddy is elected colonel, Mathewson Wilbour lieutenant colonel, and Harley Luther major, of the 7th regiment of militia.

George W. Sheldon is elected colonel, John M. Eddy lieutenant colonel, and Philip W. Hawkins major, of the 12th regiment of militia.

Joseph Lockwood is elected colonel, Nelson Barnes lieutenant colonel, and Benoni Knight major, of the 14th regiment of militia.

Levi T. Ballou is elected colonel, Benjamin B. Slade lieutenant colonel, and Albert Trask major, of the 15th regiment of militia.

Henry F. Cooley is elected adjutant general of the militia of the State.

William Aldrich is elected quartermaster general of the militia of the State.

Arnold Sanders is elected commissary general of the militia of the State.

James S. Lincoln is elected inspector of the division of the militia of the State.

Otis W. Bligh is elected brigade inspector of the 2d brigade of militia.

\* George M. Kendall is elected brigade quartermaster of the 2d brigade of militia.

The election of the remaining offices of the militia of the State is postponed. The joint committee rise.

Joseph Joslin, General Treasurer of the State elect, being present, is duly affirmed by the speaker of the House of Representatives, in presence of both houses.

12. A resolution from the House, appointing Messrs. Pearce and Chace a committee to demand, receive, and transfer all the moneys, bonds, securities, records, books, papers, and every other article appertaining to the office of the General Treasurer of this State, from Stephen Cahoon, late treasurer, to Joseph Joslin, his successor.

13. A resolution from the House, that all persons indebted to this State make payment, and all persons having possession or charge of public property deliver possession or charge of such property to the authorities and officers acting under the constitution and laws of this State, is read, concurred in, and approved by the Governor.

14. A resolution from the House, that when the General Assembly adjourn, they adjourn to meet on the first Monday of July next, is read, and concurred in.

15. A bill from the House, entitled "An act to revive the charter of the Greene Artillery," is read, concurred in, and approved by the Governor.

16. A bill from the House, entitled "An act prescribing the manner of voting by ballot in the election of the captains and subalterns of militia companies, and for other purposes," is read, concurred in, and approved by the Governor.

17. A resolution from the House, authorizing the Governor to appoint commissioners, on behalf of this State, to proceed to the seat of the General Government, and make known to the President of the United States that the people of this State have adopted a written constitution, and elected officers, and peaceably organized the Government under that constitution, and that said government is now in full operation, is read, concurred in, and approved by the Governor.

The final vote of adjournment from the House, embracing the continuance in office of all officers being not re-elected, in whose places others have not been appointed, until the first Monday of July, 1842; the continuance of unfinished business to that date; and a direction to the secretary, to cause the acts, orders, and resolutions, passed at this session, to be published, with a suitable index, and distributed according to law, is read, concurred in, and approved by the Governor.

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No. 99.

*Journal of the House of Representatives of the State of Rhode Island and Providence Plantations, first held in the city of Providence, under the constitution of said State, on Tuesday, the third day of May, in the year 1842.*

On this third day of May, 1842, (being the first Tuesday of said May,) the House of Representatives of said State, elected under and by virtue of the constitution of said State, met and proceeded to its organization by a vote that the Hon. Dutee J. Pearce, of Newport, take the chair for that purpose.

The towns and representative districts were called, and the credentials of their respective representatives, in the following order, were presented:

*City of Providence:*

1st representative district.—William M. Webster.

2d representative district.—Samuel H. Wales, J. F. B. Flagg.

3d representative district.—William Coleman, John A. Howland.

4th representative district.—Perez Simmons, Frederick L. Beckford.

5th representative district.—Benjamin Arnold, jr., Franklin Cooley.

6th representative district.—William L. Thornton, John S. Parkis.

*Newport.*—Dutee J. Pearce, Robert R. Carr, Henry Oman, Daniel Brown.

*Warwick.*—John G. Mawney, Sylvanus C. Newman, Isbon Shearman, Alanson Holley.

*Portsmouth.*—Thomas Cory, Parker Hall.

*Westerly.*—William P. Arnold, Thomas G. Hazard.

*New Shoreham.*—Simeon Babcock, jr., George E. S. Ely.

*Smithfield.*—Elisha Smith, Nathaniel Mowry, Welcome B. Sayles, William B. Taber.

*Charlestown.*—Joseph Gavit, Job Taylor.

*Scituate.*—Simon Mathewson, David Phillips, 3d, James Yeaw.

*North Providence.*—Stephen Whipple, Robert G. Lewis, Alfred Anthony.

*Richmond.*—Wells Reynolds, George Niles.

*North Kingstown.*—Sylvester Himes, Samuel C. Cottrel.

*Exeter.*—George Spragne, Cranston Blevin.

*Tiverton.*—Charles F. Townsend.

*Bristol.*—William Munro, Jeremiah Bosworth.

*Warren.*—Elisha G. Smith, Jeremiah Woodmancy.

*Barrington.*—Nathaniel Smith.

*Glocester.*—Jeremiah Sheldon, George H. Brown.

*Cumberland.*—Nelson Jencks, Columbia Tingley, Barton Whipple.

*East Greenwich.*—Peleg R. Bennet, Sidney Tillinghast.



*West Greenwich.*—Nathan Carr, Peter T. Brown.  
*Coventry.*—George Fairbanks, Israel Johnson.  
*Foster.*—Obadiah Fenner, Anan Aldrich.  
*Burrillville.*—Alfred L. Comstock, Esten Angell.  
*Cranston.*—Ebenezer Barney, Albion N. Olney.  
*Johnston.*—Ephraim Winsor, Edwin C. Kelley.

Upon a call of the names returned by the credentials, as aforesaid, all were present and answered, excepting Mr. Samuel C. Cottrel, of North Kingstown. Sixty six members were present and answered.

A quorum being ascertained to be present, the chairman announced the fact; and thereupon Welcome B. Sayles, esq., a representative from the town of Smithfield, was nominated, and duly elected **SPEAKER** by a unanimous vote.

The Speaker, on taking the chair, made a short but pertinent speech, returning thanks for the honor conferred upon him; and thereupon engaged himself to the faithful discharge of his duties in the words and as required by the constitution, and in the presence of the House.

The Speaker called every member by the list returned, and those present were engaged in the manner and form and in the words prescribed in the constitution.

John S. Harris and Levi Salisbury were unanimously elected clerks, and were duly engaged by the Speaker.

On motion of Mr. Pearce, it was voted, that Messrs. Cooley, S. H. Wales, Elisha Smith, Lewis, Simmons, George H. Brown, and Jencks, from the county of Providence; Daniel Brown and Townsend, of the county of Newport; Himes and Arnold, of the county of Washington; Tillinghast, Holley, and Newman, of the county of Kent; and Bosworth and E. G. Smith, of the county of Bristol, be a committee to count the votes for governor, lieutenant governor, secretary of state, general treasurer, attorney general, sheriffs, and senators, and report the result.

The towns and representative districts were called, to return the votes of the electors for governor, &c., when no returns were made by the following towns: Portsmouth, Hopkinton, South Kingstown, Little Compton, Middletown, and Jamestown. Said votes were delivered to the aforesaid committee to count and report.

The House took a recess for one hour.

At three o'clock, P. M., the Speaker resumed the chair.

Gilbert Chace, esq., a representative from the town of Newport, appeared, produced his credentials, and was qualified by the Speaker.

Mr. Simmons, on behalf of the committee appointed to count the votes, made the following report, which was received.

#### HOUSE OF REPRESENTATIVES, *May 3, 1842.*

The committee to whom was referred the counting of the votes given at the election under the constitution, April 18, 1842, for governor, lieutenant governor, senators, secretary of state, general treasurer, and attorney general, and also the votes for sheriffs in the several counties, respectfully report:

That the whole number of votes given in for governor is 6,359; that of this number 6,359 were given in for Thomas W. Dorr, of Providence, and he is therefore elected.

That the whole number of votes given in for lieutenant governor is 6,361; that of this number 6,361 were given in for Amasa Eddy, jr., of Gloucester, and he is therefore elected.

That the whole number of votes given in for secretary of state is 6,360; that of this number 6,360 were given in for William H. Smith, of Providence, and he is therefore elected.

That the whole number of votes given in for attorney general is 6,360; that of this number 6,360 were given in for Jonah Titus, of Scituate, and he is therefore elected.

That the whole number of votes given in for general treasurer is 6,360; that of this number Joseph Joslin, of Newport, received 6,360, and is therefore elected.

That in the first senatorial district, the whole number of votes given in for senator is 820; that of this number 820 are for Eli Brown, of Providence, and he is therefore elected.

That in the second senatorial district, the whole number of votes given in for senator is 1,315; that of this number 1,315 are for Hezekiah Willard, of Providence, and he is therefore elected.

That in the third senatorial district the whole number of votes given in for senator is 652; that of this number John Paine received 652, and is therefore elected.

That in the fourth senatorial district the whole number of votes given in for senator is 907; of which Abner Haskell received 907, and is therefore elected.

That in the fifth senatorial district the whole number of votes given in for senator is 856; of which Solomon Smith received 856, and is therefore elected.

That in the sixth senatorial district the whole number of votes given in for senator is 648; of which 648 are for Benjamin Nichols, and he is therefore elected.

That in the seventh senatorial district the whole number of votes given in for senator is 237; of which 237 are for John Wood, of Coventry, and he is therefore elected.

That in the eighth senatorial district the whole number of votes given in for senator is 324; of which Benjamin Chace received 324, and is therefore elected.

That in the ninth senatorial district 119 votes were given in for senator; of which 119 are for John B. Cook, and he is therefore elected.

That in the tenth senatorial district 234 votes were given in for senator; of which Joseph Spink received 234 votes, and is therefore elected.

That in the eleventh senatorial district 135 votes were given in for senator; of which 135 were for William James, and he is therefore elected.

That in the twelfth senatorial district 210 votes were given in for senator; of which Christopher Smith received 210, and is therefore elected.

That in Providence county the whole number of votes given in for sheriff is 4,718; that of this number 4,717 are for Burrington Anthony, and he is therefore elected.

That in Newport county the whole number of votes given in for sheriff is 444; all for Joshua B. Rathbone, and he is therefore elected.

That in Bristol county the whole number of votes given in for sheriff is 210; all for Nathan Bardin, and he is therefore elected.

That in Kent county the whole number of votes given in for sheriff is 613 ; all for Hazard Carder, and he is therefore elected.

That in Washington county the whole number of votes given in for sheriff is 307 ; all for Benjamin Blevin, and he is therefore elected.

That no votes were received in season to be counted by the committee from the towns of Hopkinton, Little Compton, Jamestown, New Shoreham, and Portsmouth ; in the two last towns votes were polled, but not returned to the House of Representatives.

Respectfully submitted.

FRANKLIN COOLEY,  
*For the committee.*

*Voted*, That Messrs. Pearce, B. Arnold, jr., and Mawney, be a committee to inform the governor, lieutenant governor, secretary of state, attorney general, general treasurer, and the senators elect, of their election, and learn of them at what time they will be ready to take the oath of office.

Mr. Pearce, from the committee appointed to inform the general officers and senators of their election, made report : That they had waited upon the governor, lieutenant governor, secretary of state, attorney general, and senators Brown, Willard, Haskell, Paine, S. Smith, Nichols, Chace, James, and Smith, and that they had severally signified the acceptance of their respective offices, and would immediately be engaged by oath ; that the general treasurer was not present, and John Wood of the seventh district, Joseph Spink of the tenth district, and John B. Cooke of the ninth district, were not present, and it is said had declined to serve.

The governor, Thomas W. Dorr ; the lieutenant governor, Amasa Eddy, jr. ; William H. Smith, secretary of state ; Jonah Titus, attorney general, came into the house and severally took the oath prescribed in the constitution, administered by the Speaker in the presence of the House.

Eli Brown, senator of the first district ; Hezekiah Willard, senator of the second district ; John Paine, senator of the third district ; Abner Haskell, senator of the fourth district ; Solomon Smith, senator of the fifth district ; Benjamin Nichols, senator of the sixth district ; Benjamin Chace, senator of the eighth district ; William James, senator of the eleventh district ; Christopher Smith, senator of the twelfth district, severally came into the house and took the oath of office prescribed in the constitution, administered by the Speaker in the presence of the governor, lieutenant governor, and of the House.

*Voted*, That Messrs. Simmons and Pearce be a committee to wait upon the governor, with such others as the Senate may add, and inquire whether he has any communication to make to the General Assembly. The vote came down concurred, with the addition of Eli Brown, senator of the first district, to said committee.

Mr. Pearce, from the committee to ask the governor if he has any communication to make to the General Assembly, reported : That the governor would forthwith, in person, meet the two houses, and communicate a message.

The two houses having joined, the governor, in person, communicated his message.

The governor, lieutenant governor, and senate returned from the house.

Mr. Simmons offered a set of rules, which were read and voted to be laid on the table.



Mr. Simmons, of Providence, offered the following resolutions, to wit :

*Resolved*, That the governor be requested to inform the President of the United States that the government of this State has been duly elected and organized under the constitution of the same, and that the General Assembly are now in session and proceeding to discharge their duties according to the provisions of said constitution.

*Resolved*, That the governor be requested to make the same communication to the president of the Senate and to the Speaker of the House of Representatives, to be laid before the two Houses of the Congress of the United States.

*Resolved*, That the governor be requested to make the same communication to the governors of the several States, to be laid before the respective legislatures.

The resolutions above were read twice and voted unanimously, and sent up for concurrence.

Mr. Pearce offered the following resolution, to wit :

*Resolved*, That the governor be requested to make known, by proclamation to the people of this State, that the government under the constitution thereof has been duly organized, and calling upon all persons, both civil and military, to conform themselves to said constitution and to the laws enacted under the same, and to all other jurisdiction and authority under and by virtue of the same.

Read twice and voted to pass unanimously, and sent up for concurrence.

Mr. Brown, of Gloucester, moved that when this House adjourn, it will adjourn to meet at this place at 9 o'clock, a. m. ; and that, in the meantime, the sheriff be directed to prepare the State house for the reception of this House.

The motion, after debate, was adopted.

Mr. Simmons, of Providence, offered the following act, to wit :

*Be it enacted by the General Assembly as follows :*

The act entitled "An act in relation to offences against the sovereign power of the State," passed at the March adjourned session of the General Assembly, 1842, is hereby repealed.

Read once ; and, on the second reading, Mr. Olney, of Cranston, moved to lay the bill on the table until to-morrow.

The motion was negatived without a count.

The bill passed as an act, and was sent up for concurrence.

The secretary of state returned the resolutions voted by this House to inform the President, Congress, &c., of our organization, duly concurred in by the Senate and approved by the governor.

The secretary of state also returned a resolution voted by this House to request the governor to issue his proclamation, &c., duly concurred in by the Senate and approved by the governor.

The secretary of state also returned the bill repealing the act entitled "An act in relation to offences against the sovereign power of the State," duly concurred in and approved by the governor.

The house adjourned until 9 o'clock to-morrow morning.

Attest :

J. S. HARRIS, Clerk.

WEDNESDAY MORNING, MAY 4, 1842.

The House met at 9 o'clock, a. m.

The Speaker in the chair.

The House is called to order. The roll is called, and a quorum is present.

Mr. Olney, of Cranston, addressed a note to the Speaker asking to be excused from attending in his seat to day, in consequence of severe sickness in his family.

Voted to excuse Mr. Olney.

Mr. Wales, of Providence, offered the following resolution, to wit:

*Resolved by this General Assembly (the Senate concurring with the House of Representatives therein)* That a committee of        be appointed to proceed to Newport, and to request a conference with a similar committee of the General Assembly now convened at that place, for the immediate and honorable adjustment of the controversy now existing in this State.

This resolution was read; and, after debate, was, on motion, voted to be laid on the table.

Mr. Jencks, of Cumberland, offered a bill entitled "An act providing for the registration of electors, and directing the manner of voting by ballot in town and ward meetings."

Read; and, on motion, it is voted to take said bill up and pass upon it by sections.

The first section is read, and passed to be enacted.

The second section is read, and passed to be enacted.

The third section is read, and passed to be enacted.

The fourth section is read, amended, and passed to be enacted.

The fifth section is read, amended, and passed to be enacted.

The sixth section is read, and blanks are filled, and passed to be enacted.

The seventh, eighth, and ninth sections are read, and passed to be enacted.

The bill, as engrossed, passed to be enacted, and sent up for concurrence.

Mr. Brown, of Gloucester, moved a bill entitled "An act to revive the charter of Gloucester and Barrillville Greene Artillery."

The above bill was read twice, and passed to be enacted, and sent up for concurrence.

Mr. Pearce presented a bill entitled "An act to repeal an act entitled 'An act in amendment of an act entitled 'An act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof,' passed by the General Assembly at their April session, 1842.

Read twice; and, after debate, the same passed to be enacted, and sent up for concurrence.

Joseph Joslin, the general treasurer elect, came into the House, and having signified his acceptance of said office, took the oath in the words and form prescribed by the constitution, administered in the presence of the House.

Voted, on motion of Mr. Pearce, that Messrs. Simmons, Brown of Gloucester, Gavitt, Cory, Holley, and Bosworth, be a committee to report a bill fixing the pay of members of both houses at one dollar per day.

Mr. Pearce presented a bill entitled "An act to repeal certain resolutions passed by the General Assembly at their April session, 1842." The resolutions to authorize the governor to preserve the public property, to recall

any arms loaned by the General Assembly, to authorize the governor to fill vacancies in the offices of the militia, and the appointment of a board of counsellors, were read, and passed to be enacted, and sent up for concurrence.

On motion, the rules of the House were taken up, and being read under each head, were debated, amended, and passed, as they appear on the files of the House.

Mr. Simmons, of Providence, from the committee on the compensation of the members of the General Assembly, reports the following bill, to wit:

*Be it enacted by the General Assembly as follows, to wit:*

SECTION 1. The several members of the Senate and House of Representatives shall hereafter receive, as a compensation for their services, the sum of one dollar for each day in which they shall be in actual attendance during any session of the Assembly.

SEC. 2. The several members of the Senate and House of Representatives shall be entitled to receive the sum of ten cents per mile, each way, for their travel, in attending at each session.

The above bill is read, debated, and passed to be enacted, and sent up for concurrence.

Voted that Messrs. Arnold of Providence county, Arnold of Washington county, Pearce of Newport county, Bosworth of Bristol county, and Newman of Kent county, be a committee to consider to what time it is proper for the Assembly to adjourn.

Adjourned until 2 o'clock, p. m.

J. S. HARRIS, *Clerk.*

#### AFTERNOON SESSION.

The House met at 2 o'clock, p. m.

The Speaker in the chair.

Upon a call of the roll, a quorum is present.

Mr. Gavitt offered the following joint resolution, to wit:

*Resolved by the House of Representatives, (the Senate concurring herein,)* That Messrs. Simmons of Providence, and Mowry of Smithfield, be a committee to demand, receive, and transfer the records, books, and papers, appertaining to the office of the secretary of state, and transfer the same from Henry Bowen, late secretary of state, to his successor, William H. Smith.

Voted, and sent up for concurrence.

The committee on the time to which the legislature should adjourn, report by Mr. Arnold, and recommend that the General Assembly hold an adjourned session on the first Monday of July. Report accepted; and it is voted, that when this General Assembly adjourn, (the Senate concurring herein,) it will meet again on the first Monday in July next.

Resolutions drawn and sent up.

Mr. Pearce offered the following resolutions, to wit:

*Resolved,* That the governor be further requested to call on all persons who are, or may become, indebted to the State, to make payment to the duly appointed officers and agents, under the provisions of said constitution; and to make known to all persons that no payment to any other officers or agents than those aforesaid will be considered as a discharge of their obligations.

*Resolved,* That the governor be requested to call on all persons who are



in possession, or have charge of any of the public property, to deliver the possession or charge of said property to the authorities and officers acting under the constitution and laws of the State.

Read and passed, and sent up for concurrence.

The act repealing the amendment to the riot act, passed this morning, came down concurred in by the Senate, and approved by the governor.

The act providing for the registration, &c., of voters, came down with an amendment, changing the time, &c., of registry.

Voted to concur with the Senate in the amendment.

On motion, it is voted that the two Houses join in committee to proceed upon the election of officers.

Mr. Brown of Gloucester moved the following bill, to wit:

*Be it enacted by the General Assembly as follows:*

SECTION 1. If any person or persons, or body corporate, from whom any sum or sums of money may become due and payable to the general treasurer of this State, elected under the provisions of the constitution of this State, as adopted by the people thereof, according to the provisions of the act to which this is in addition, or of other acts in addition or amendment to the same, should refuse or neglect to pay said sum or sums of money as by law directed, he or they so refusing and neglecting shall be liable to pay interest for the retainer of such sum or sums of money, at and after the rate of one per cent. of the amount due, for each month's neglect and refusal as aforesaid.

SEC. 2. If any person or persons, or body corporate, holding in their possession any other money or property whatsoever belonging to the State, shall refuse to pay over and deliver the same to any officer or agent of the State duly authorized to receive the same, after being duly required thereto, he or they so refusing shall be liable to be sued therefor in any court of competent jurisdiction, in the name of the general treasurer aforesaid; and on rendition of judgment in any such case against the defendant or defendants, the court before whom such judgment may be rendered shall assess damages thereon at double the amount of the money or value of the property found due, with costs.

Read, and passed to be enacted, and sent up for concurrence.

The act reviving the charter of the Greene Artillery came down concurred, and approved by the governor.

The act repealing the act establishing volunteer police companies in Providence, came down concurred, and approved by the governor.

The act repealing certain resolutions passed in April last, investing the governor with great power, and appointing his council, came down concurred, and approved by the governor.

The two houses having joined, on motion, his honor the lieutenant governor was called to preside.

The elections of all civil officers were postponed until the next session of the General Assembly.

Several military officers were appointed, the record of which will appear on the secretary's minutes. The two houses separated.

The act submitted to enable the governor to appoint and commission officers, and to organize the militia, was taken up, debated, and committed to Mr. Brown of Gloucester.

Mr. Brown made report, that the act referred to him, giving the governor

certain power in appointing and organizing the militia, is unconstitutional, and asks to be discharged from the further consideration of the same.

Voted to discharge the committee, and the act is laid on the table.

Mr. Brown offered the following resolution, to wit:

*Resolved*, That the thanks of this House are due to their constituents, civil and military, for the zeal they have displayed, and efficient aid rendered, in assisting this General Assembly in organizing the government under the constitution. Voted unanimously.

Mr. Simmons offers a resolution authorizing the governor to send commissioners to Washington, to make known to the President our position, &c. Voted that the same be laid upon the table.

Mr. Simmons moved the following resolution, viz:

*Resolved by the House of Representatives, (the Senate concurring herein,)* That Messrs. Pearce and Chace be a committee to demand, receive, and transfer all the moneys, bonds, securities, records, books and papers, and every other article appertaining to the office of the general treasurer of this State, from Stephen Cahoon, late treasurer, to Joseph Joslin, his successor.

Voted; and sent up for concurrence.

Mr. Wales moved the following act, to wit:

*Be it enacted by the General Assembly as follows:*

SECTION 1. The charter of the United Independent Company of Volunteers, of the city of Providence, be so amended as that said company is authorized to receive and enrol additional members to the number of two hundred, exclusive of commissioned officers.

Voted to be enacted, and sent to the Senate for concurrence.

Voted that the House take a recess for one hour, it being now 5 o'clock, p. m.

At 6 o'clock, p. m., the House re assembled.

The Speaker and a quorum present.

The act authorizing the volunteer company to increase the number of their men, came down concurred, and approved by the governor.

The resolutions transferring the effects of the offices of the late secretary of state and general treasurer, came down concurred, and approved by the governor.

The act to collect the revenue, and secure the payment to, and the possession of the State's property, and the consequences and liability in paying and delivering the same to officers under the constitution, came down concurred, and approved by the governor.

The act relating to the pay and travel of the members of the General Assembly, came down concurred, and approved by the governor.

The act relating to the duties of those indebted to the State (marked No. 1) came down concurred, and approved by the governor.

The resolution to adjourn until the first Monday in July next, came down concurred.

Mr. Taber, of Smithfield, moved the following bill:

*Be it enacted by the General Assembly as follows:*

SECTION 1. In all elections of the captains and subalterns of militia companies, at their annual elections, the elections shall be made by the members of said companies delivering their votes, with the name of the person voted for thereon, to the officer of the company in command on the day of election; and all companies who may have neglected to choose their officers at their last annual election, may proceed to choose the same as aforesaid, on any day before the next annual election.

SEC. 2. The chartered military companies who have not made their returns, may make the same at any time previous to the next adjourned session of this Assembly.

SEC. 3. The governor is hereby authorized to commission the officers chosen by volunteer companies in this State, for a term not exceeding one year from this time.

Voted to be enacted, and sent up for concurrence.

Mr. Simmons, of Providence, moved the following resolution, viz:

*Resolved by the House of Representatives, (the Senate concurring therein,)* That the governor be authorized to appoint suitable persons as commissioners in behalf of this State, to proceed to Washington, to make known to the President of the United States that the people of this State have formed a written constitution, and elected officers, and peaceably organized a government under the same, and that said government is now in full operation.

Voted, and sent up for concurrence.

Mr. Nathaniel C. Smith, a member from Barrington, sent to the Speaker his resignation.

*Voted,* That the same be accepted, and that the Speaker issue his warrant to the electors of said town, requiring them to elect another representative in his place.

George Niles, a member from Richmond, resigned his seat.

*Voted,* That the same be accepted, and that the Speaker issue his warrant to the electors of said town, requiring them to elect another representative in his place.

*Voted,* That the clerks be directed to make out certificates of attendance for the pay of each member, according to the act of this session; and to deliver the same to them respectively.

On motion of Mr. Pearce, Mr. Simmons was appointed a committee to wait upon the governor, and inform him that this House is ready to adjourn if he has no further communications to make to them.

Mr. Simmons, the committee appointed to wait upon the governor, made report that he had performed that duty, and that the governor had nothing further to communicate.

The act relating to the election of military officers, to commissioning the same, and to charter companies, came down concurred, and approved by the governor.

The resolution appointing commissioners to proceed to Washington, came down concurred, and approved by the governor.

*Voted,* That John S. Harris be allowed, and paid out of the treasury, for his services as clerk this session, six dollars.

*Voted,* That Levi Salisbury be allowed, and paid out of the treasury, for his services as clerk this session, six dollars.

*Voted,* That Burrington Anthony be allowed, and paid out of the treasury, for attendance as sheriff, and other expenses this session, the sum of five dollars and fifty cents.

*Voted,* That Seth Howard be allowed, and paid out of the treasury, for attendance of himself and other officers at this session, the sum of ten dollars.

On motion of Mr. Newman, of Warwick, *It is unanimously voted,* That the thanks of this House be presented to the Speaker for the able, dignified, and impartial manner in which he has presided over its deliberations.

*Voted and resolved,* That all officers not re-elected, and in whose places



others have not been appointed, be, and they are hereby, continued in their respective offices until the adjourned session of this General Assembly, to be holden at Providence on the first Monday in July, 1842, with as full power and authority as they have at any time had.

*Voted and resolved*, That all business lying before this Assembly unfinished, be referred to the adjourned session to be holden on the first Monday in July, 1842; that the secretary cause the acts, orders, and resolutions passed at this session, to be published, with a suitable index, and distributed according to law; and that this Assembly be, and the same is hereby, adjourned to the first Monday in July, 1842, then to convene in the city of Providence.

Voted to be enacted, and sent up for concurrence.

The vote of adjournment came down concurred; and thereupon, the Speaker informed the House that they were adjourned accordingly.

Attest:

J. S. HARRIS, *Clerk*.

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No. 100.—(N e.)

*Acts and resolves of the Legislature under the people's constitution.*

No. 1.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*General Assembly, May session, city of Providence, 1842.*

*Resolved*, That the governor be requested to inform the President of the United States that the government of this State has been duly elected and organized under the constitution of the same, and that the General Assembly are now in session and proceeding to discharge their duties according to the provisions of said constitution.

*Resolved*, That the governor be requested to make the same communication to the President of the Senate and to the Speaker of the House of Representatives, to be laid before the two houses of the Congress of the United States.

*Resolved*, That the governor be requested to make the same communication to the governors of the several States, to be laid before the respective legislatures.

Approved May 3, 1842.

T. W. DORR, *Governor*.

A true copy.—Witness:

WM. H. SMITH, *Secretary*.

No. 2.

HOUSE OF REPRESENTATIVES, *May 3, 1842.*

*Resolved*, That the governor be requested to make known by proclamation to the people of this State that the government under the constitution thereof has been duly organized; and calling upon all persons, civil and military, to conform themselves to said constitution and to the laws enacted under the same, and to all other jurisdiction and authority duly exercised under and by virtue of the same.

Approved May 3, 1842.

T. W. DORR, *Governor*.

A true copy.—Witness:

WM. H. SMITH, *Secretary*.

No. 3.

HOUSE OF REPRESENTATIVES, May 3, 1842.

*Be it enacted by the General Assembly as follows :*

The act entitled "An act in relation to offences against the sovereign power of the State," passed at the March adjourned session of the General Assembly, 1842, is hereby repealed.

Approved May 3, 1842.

T. W. DORR, *Governor.*

A true copy.—Witness :

WM. H. SMITH, *Secretary.*

No. 4.

AN ACT providing for the registration of electors, and directing the manner of voting by ballot in town and ward meetings.

*Be it enacted by the General Assembly as follows :*

SECTION 1. At every annual election of town or city officers, there shall be chosen three inspectors of registry in each town and ward, whose duty it shall be to meet on the first Monday in June, annually, and prepare a perfect register, as near as may be, of all persons entitled to vote in said town and ward. And said inspectors shall be sworn or affirmed to the faithful performance of the duties of their said office before entering thereon, and shall give notice of the time, place, and purpose of their said meetings, by notices posted up in at least three public places in said town or ward for the space of at least ten days next before said meetings. A majority of said inspectors shall be sufficient for the transaction of business, and they shall have power to administer oaths or affirmations touching all matters relative to the formation of said register.

SEC. 2. Said register shall consist of two separate lists: one containing the names of electors qualified to vote for officers, and on all questions relative to taxation and the expenditure of public money; and the other containing the names of electors qualified to vote for officers only. Each list shall be alphabetically arranged according to the surnames, and said inspectors shall, within two days after said meetings, post up copies of said register, under their hands, in three public places in their respective towns and wards.

SEC. 3. And it shall also be the duty of said inspectors to attend at every town and ward meeting in their respective towns and wards before the opening of the polls, to amend their said register by adding thereto the names of qualified electors not previously registered, and by putting each name in its proper list. And after correcting said register as aforesaid, said inspectors shall deliver a certified copy thereof to the town or ward clerk, for the use of the moderator or warden, before the opening of the polls, and shall also record the same in a book kept for that purpose, which shall be opened for the inspection of any elector demanding to examine the same.

SEC. 4. Any elector of the town or ward wherein he may be entitled to vote may challenge the vote of any person in said town or ward, by stating his objections to the moderator or warden at the time such vote may be offered, or by leaving his objections in writing with said moderator or warden before such vote may be offered; and in case of any challenge,

said moderator or warden shall proceed immediately to examine such persons as he may think necessary, by oath or affirmation, in regard to said challenge, and thereupon receive or reject such vote, as to him shall appear lawful.

SEC. 5. At every town or ward meeting, the moderator or warden shall have before him a certified copy of the last preceding registration, and shall receive no votes but in accordance therewith; and said moderator or warden, on receiving any vote, shall declare the name of the voter; and the clerk, moderator, or warden of said meeting shall check the name of the voter before his vote shall be deposited in the ballot-box, and from which a list shall be made by said clerk, at length, on a separate paper; and, in cases where two or more polls are open at the same time, the electors shall present their votes for each poll at one time, in which case one declaration and one record of the voter's name shall be sufficient.

SEC. 6. If any inspector shall wilfully refuse to register the name of any qualified elector, or fraudulently register the name of any unqualified person, or shall fraudulently neglect to perform the duties of said office, he shall be deemed guilty of a misdemeanor, and be liable to be indicted therefor, and, on conviction, to be fined not less than fifty dollars, nor more than five hundred dollars, for each offence; and if any moderator or warden shall fraudulently refuse the vote of any qualified elector, or wilfully receive the vote of any unqualified person, such moderator or warden shall be deemed guilty of a misdemeanor, and be liable to be indicted therefor, and, on conviction, shall be fined not less than ten dollars, nor more than twenty dollars; and any person who may fraudulently obtain the registration of any one as an elector, or fraudulently offer any vote, or who may wilfully disturb the polls, or any meeting of said inspectors, or the safe-keeping of any votes, or the counting of any votes, shall be liable, for every such offence, to pay a fine of twenty dollars, to be recovered on complaint and conviction before any justice of the peace in the county wherein such offence may be committed.

SEC. 7. The fees of said inspectors shall be two dollars to each inspector for attendance at their annual meetings, and one dollar to each inspector for attendance at town and ward meetings, and twenty five cents for every two hundred names in all copies hereby required to be given; the fees of any absent inspector to be divided between the inspectors attending, which fees shall be paid by the town or city wherein such registration is made.

SEC. 8. And for the purpose of preparing a register of electors for the election of officers and the transaction of business in town and ward meetings, before the first annual election of inspectors, as herein provided, there shall be appointed and commissioned by the governor, before the third Monday in May, 1842, three suitable persons, in each town and ward in this State, who shall meet on the third Tuesday in May, A. D. 1842, without giving notice as aforesaid, and attend all town and ward meetings in their respective towns and wards, until the election of their successors as aforesaid, and proceed in the formation and amendment of registers of electors, in the same manner as is herein provided for the registration of electors by the aforesaid inspectors.

SEC. 9. All laws inconsistent with the provisions of this act are hereby repealed.

HOUSE OF REPRESENTATIVES, *May 4, 1842.*

Read and voted, &c. Per order:

LEVI SALISBURY, *Clerk.*



In Senate, read the same day and concurred in. By order :  
W. H. SMITH, *Secretary*.

Approved May 4, 1842. T. W. DORR, *Governor*.

A true copy.—Witness :

WM. H. SMITH, *Secretary*.

### No. 5.

AN ACT to repeal certain resolutions passed by the General Assembly at their April session, 1842.

*Be it enacted by the General Assembly as follows :*

The following resolutions, passed by the General Assembly at their session aforesaid, to wit :

“*Resolved*, That his excellency the governor be, and he is hereby, authorized to take such measures as he shall deem necessary to protect and preserve the public property of this State; or, in case he shall deem any portion of the same unsafe in its present situation, to remove said property to such place of safety as he shall think proper;

“*Resolved*, That his excellency the governor be, and he is hereby, authorized to recall any arms or cannon that have been loaned to the General Assembly, to any of the independent or chartered companies of this State, or to any other person or persons;

“*Resolved*, That his excellency the governor be, and he is hereby, authorized to fill any vacancies which may exist in the officers of the militia of this State, and to commission any officers whom he may appoint to fill such vacancies; and also, in his discretion, to approve the officers elected by the several independent companies at their last annual election, and commission the same accordingly;

“*Resolved*, That Richard K. Randolph, James Fenner, Edward Carrington, Lemuel H. Arnold, Nathan F. Dixon, Peleg Wilbur, and Byron Diman, be, and they are hereby, appointed a board of councillors to advise with his excellency the governor as to the executive measures proper to be taken in the present emergency of the State; and that his excellency the governor be, and he is hereby, authorized, at the expense of the State, to employ a private secretary to aid him in his duties; and that the said secretary be also clerk to the board of councillors—”

Be hereby repealed.

Approved May 4, 1842.

A true copy.—Witness :

T. W. DORR, *Governor*.

WM. H. SMITH, *Secretary*.

### No. 6.

AN ACT to repeal an act entitled “An act to authorize the establishment of volunteer police companies in the city of Providence.”

*Be it enacted by the General Assembly as follows, viz :*

Said act is hereby repealed.

House of Representatives, May 4, 1842. Voted, &c.

Per order :

J. S. HARRIS, *Clerk*.

In Senate, read the same day and concurred in.

By order :

WM. H. SMITH, *Secretary*.

Approved May 4, 1842.

T. W. DORR, *Governor*.

A true copy. Attest :

WM. H. SMITH, *Secretary*.

No. 7.

AN ACT to repeal an act entitled "An act in amendment of an act entitled 'An act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof,' passed by the General Assembly at their April session, 1842."

*Be it enacted by the General Assembly as follows :*

Said act is hereby repealed.

Approved May 4, 1842.

T. W. DORR, *Governor*.

A true copy. Witness :

WM. H. SMITH, *Secretary*.

No. 8.

*Be it enacted by the General Assembly as follows :*

That the charter of the United Independent Company of Volunteers, of the city of Providence be so amended, as that said company is authorized to receive and enrol additional members to the number of two hundred, exclusive of commissioned officers.

Approved May 4, 1842.

T. W. DORR, *Governor*.

A true copy. Witness :

WM. H. SMITH, *Secretary*.

No. 9.

AN ACT in addition to an act entitled "An act imposing duty upon licensed persons and others, and bodies corporate, within this State."

*Be it enacted by the General Assembly as follows, viz :*

SECTION 1. If any person or persons, or body corporate, from whom any sum or sums of money may become due, and payable to the general treasurer of this State elected under the provisions of the constitution of this State, adopted by the people thereof according to the provisions of the act to which this is in addition, or of other acts in addition or amendment to the same, shall refuse or neglect to pay said sum or sums of money, as by law directed, he or they so refusing and neglecting shall be liable to pay interest for the retainer of such sum or sums of money at and after the rate of one per cent. of the amount due for each month's neglect and refusal as aforesaid.

SEC. 2. If any person or persons, or body corporate, holding in their

possession any other money or property whatsoever belonging to the State, shall refuse to pay over and deliver the same to any officer or agent of the State duly authorized to receive the same, after being duly requested thereto, he or they so refusing shall be liable to be sued therefor in any court of competent jurisdiction, in the name of the general treasurer aforesaid; and, on rendition of judgment in any such case against the defendant or defendants, the court by whom such judgment may be rendered shall assess damages thereon at double the amount of the money or value of the property found due, with costs.

Approved May 4, 1842.

T. W. DORR, *Governor*.

A true copy. Witness:

WM. H. SMITH, *Secretary*.

No. 10.

*Be it enacted by the General Assembly, as follows, viz:*

SECTION 1. The several members of the Senate and House of Representatives shall hereafter receive, as a compensation for their services, the sum of one dollar for each day in which they shall be in actual attendance during any session of the Assembly.

SEC. 2. The several members of the Senate and House of Representatives shall be entitled to receive the sum of ten cents per mile, each way, for their travel, in attending at each session.

House of Representatives, May 4, 1842. Voted, &c.

By order:

J. S. HARRIS, *Clerk*.

In Senate, read same day and concurred in.

By order:

WM. H. SMITH, *Secretary*.

Approved May 4, 1842.

T. W. DORR, *Governor*.

A true copy. Attest:

WM. H. SMITH, *Secretary*.

No. 11.

*Resolved by the House of Representatives, (the Senate concurring therein,) That* Perez Simmons and Nathaniel Mowry be a committee to demand, receive, and transfer the records, books, and papers appertaining to the office of the secretary of state, and transfer the same from Henry Bowen, late secretary of state, to his successor, William H. Smith.

House of Representatives, May 4, 1842. Voted.

By order:

J. S. HARRIS, *Clerk*.

In Senate, read the same day and concurred in.

By order:

WM. H. SMITH, *Secretary*.

Approved May 4, 1842.

T. W. DORR, *Governor*.

A true copy. Attest:

WM. H. SMITH, *Secretary*.



## No. 12.

*Resolved by the House of Representatives, (the Senate concurring therein,)* That Messrs. Pearce and Chace be a committee to demand, receive, and transfer all the moneys, lands, securities, records, books and papers, and every other article appertaining to the office of the general treasurer of this State, from Stephen Cahoon, late treasurer, to Joseph Joslin, his successor.

Approved May 3, 1842.

T. W. DORR, *Governor.*

A true copy. Witness :

WM. H. SMITH, *Secretary.*

## No. 13.

*Resolved,* That the governor be requested to call on all persons who are or may become indebted to the State, to make payment to the duly appointed officers and agents under the provisions of the constitution, and make known to all persons that no payment to any other officers or agents than those appointed will be considered as a discharge of their obligations.

*Resolved,* That the governor be requested to call on all persons who are in possession, or have charge, of any of the public property, to deliver the possession or charge of said property to the authorities and officers acting under the constitution and laws of this State.

House of Representatives, May 4, 1842. Voted, &c.

By order :

J. S. HARRIS, *Clerk.*

In Senate, read the same day and concurred in.

By order :

WM. H. SMITH, *Secretary.*

Approved May 4, 1842.

T. W. DORR, *Governor.*

A true copy. Attest :

WM. H. SMITH, *Secretary.*

## No. 14.

*Resolved by the House of Representatives, (the Senate concurring therein,)* That when the General Assembly adjourn, they adjourn to meet in Providence on the first Monday in July next.

House of Representatives, May 4, 1842. Read and voted, &c.

LEVI SALISBURY, *Clerk.*

In Senate, read the same day and concurred in.

By order :

WM. H. SMITH, *Secretary.*

A true copy. Attest :

WM. H. SMITH, *Secretary.*

No. 15.

AN ACT to revive the charter of the Greene Artillery.

*Be it enacted by the General Assembly as follows:*

SECTION 1. The charter heretofore granted to said company is hereby revived; and the governor is hereby authorized and requested to issue commissions to such officers as shall be elected by a majority of those who were members at the last muster of said company, in the same manner as if no forfeiture of said charter had ever been incurred.

SEC. 2. This act shall be subject to all future acts of the General Assembly, in amendment or repeal thereof, or in anywise affecting the same.

Approved May 4, 1842.

T. W. DORR, *Governor.*

A true copy.—Witness:

WM. H. SMITH, *Secretary.*

No. 16.

AN ACT prescribing the manner of voting by ballot in the election of the captains and subalterns of militia companies, and for other purposes.

*Be it enacted by the General Assembly as follows, viz:*

SECTION 1. In all elections of the captains and subalterns of militia companies, at their annual elections, the elections shall be made by the members of said companies delivering their votes, with the name of the person voted for thereon, to the officer of the company in command on the day of election; and all companies who may have neglected to choose their officers at their last annual election, may proceed to choose the same, as aforesaid, on any day before their next annual election.

SEC. 2. The chartered military companies who have not made their returns, may make the same at any time previous to the next adjourned session of this Assembly.

SEC. 3. The governor is hereby authorized to commission the officers chosen by volunteer companies in this State, for a term not exceeding one year from this time.

House of Representatives, May 4, 1842.—Voted, &amp;c.

By order:

JOHN S. HARRIS, *Clerk.*

In Senate, read same day and concurred in.

By order:

WM. H. SMITH, *Secretary.*

Approved May 4, 1842.

T. W. DORR, *Governor.*

A true copy.—Attest:

WILLIAM H. SMITH, *Secretary.*

No. 17.

*Resolved by the House of Representatives, (the Senate concurring therein.)* That the governor be authorized to appoint suitable persons commissioners on behalf of this State, to proceed to Washington, to make known to the President of the United States that the people of this State have formed a written constitution, elected officers, and peaceably organized the government under the same; and that said government is now in full operation.

House of Representatives, May 4, 1842.—Voted, &c.

J. S. HARRIS, *Clerk.*

In Senate, same day read and concurred in.

By order:

WM. H. SMITH, *Secretary.*

Approved May 4, 1842.

T. W. DORR, *Governor.*

A true copy.—Attest:

WM. H. SMITH, *Secretary.*

No. 18.

*Voted and resolved,* That all officers not re-elected, and in whose places others have not been appointed, be, and they are hereby, continued in their respective offices until the adjourned session of the General Assembly, to be holden at Providence on the first Monday in July, 1842, with as full power and authority as they have at any time had.

*Voted and resolved,* That all business lying before this Assembly unfinished, be referred to the adjourned session to be holden on the first Monday in July, 1842; that the secretary cause all the acts, orders, and resolutions passed at this session, to be published with a suitable index, and distributed according to law; and that this Assembly be, and the same is hereby, adjourned to the first Monday in July, 1842, then to convene in the city of Providence.

House of Representatives, May 4, 1842.—Read, and voted, &c.

LEVI SALISBURY, *Clerk.*

In Senate, read same day and concurred in.

By order:

WM. H. SMITH, *Secretary.*

Approved May 4, 1842.

T. W. DORR, *Governor.*

A true copy.—Attest:

WM. H. SMITH, *Secretary.*



No. 101.--(O.)

Table of population, &amp;c.

Towns.	Number of inhabitants in each town.	Representation.	Population to each representative.	Free white males over 21.	Votes for electors, in 1840.	Colored males over 24.
<i>Providence county.</i>						
Providence -	23,172	4	5,793	5,579	1,440	279
North Providence -	4,207	2	2,103	938	212	14
Smithfield -	9,534	2	4,767	2,049	578	9
Cumberland -	5,224	2	2,612	1,195	364	3
Scituate -	4,090	2	2,045	966	368	6
Cranston -	2,902	2	1,451	747	255	23
Johnston -	2,477	2	1,238	609	201	7
Glocester -	2,308	2	1,154	591	272	2
Foster -	2,181	2	1,090	554	272	
Burrillville -	1,982	2	991	533	253	8
	58,077	22		13,791	4,215	
<i>Newport county.</i>						
Newport -	8,333	6	1,388	1,970	560	67
Portsmouth -	1,706	4	426	447	176	2
Middletown -	891	2	445	220	80	3
Tiverton -	3,183	2	1,591	787	255	11
Little Compton -	1,327	2	663	315	139	
New Shoreham -	1,069	2	534	244	103	3
Jamestown -	365	2	182	99	37	6
	16,874	20		4,082	1,350	
<i>Washington county.</i>						
South Kingstown -	3,718	2	1,859	800	394	51
Westerly -	1,912	2	956	423	173	3
North Kingstown -	2,909	2	1,454	686	244	15
Exeter -	1,776	2	888	426	156	13
Charlestown -	923	2	461	197	108	10
Hopkinton -	1,726	2	863	376	193	3
Richmond -	1,361	2	680	298	135	4
	14,325	14		3,206	1,403	
<i>Bristol county.</i>						
Bristol -	3,490	2	1,745	784	306	39
Warren -	2,438	2	1,219	500	235	15
Barrington -	549	2	274	124	71	5
	6,477	6		1,408	612	

TABLE—Continued.

Towns.	Number of inhabitants in each town.	Representation.	Population to each representative.	Free white males over 21.	Votes for electors, in 1840.	Colored males over 21.
<i>Kent county.</i>						
Warwick -	6,726	4	1,681	1,387	394	52
Coventry -	3,433	2	1,716	795	357	2
East Greenwich -	1,509	2	754	378	156	11
West Greenwich -	1,416	2	708	362	134	3
	13,084	10		2,922	1,041	
			Average.			
Total -	108,837	72	1,511	25,674	8,622	668

## No. 102.—(P.)

*State of votes for general officers in the elections, from 1832 to 1841, inclusive.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*Secretary's Office, January 6, 1844.*

I, Henry Bowen, secretary of said State, and keeper of the records and the seals thereof, do certify, that the whole number of votes for [ L. S. ] general officers, as reported by the counting committee appointed by the General Assembly at the May session, for the years after named, was as follows, viz :

For the year 1832, five thousand six hundred and fifteen ;  
 For the year 1833, seven thousand three hundred and one ;  
 For the year 1834, seven thousand two hundred and thirty four ;  
 For the year 1835, seven thousand six hundred and seventy-four ;  
 For the year 1836, seven thousand one hundred and sixty-eight ;  
 For the year 1837, four thousand two hundred and seventeen ;  
 For the year 1838, seven thousand seven hundred and forty six ;  
 For the year 1839, six thousand two hundred and seventy-three ;  
 For the year 1840, eight thousand two hundred and ninety two ;  
 For the year 1841, two thousand seven hundred and thirteen ;

All which appears of record.

No. 103.—(Q.)

*Copy of an act declaring martial law.*

I further certify, that the subjoined is a true copy of an act entitled "An act establishing martial law in this State," passed by the General Assembly of said State on the 25th day of June, A. D. 1842; that said act remained in force, and without repeal, until August 8, 1842, when its operation was suspended, by proclamation of the governor, until the 1st day of September then next; and that, on the 30th day of August aforesaid, the [act] was, by like proclamation, indefinitely suspended, as appears of record.

AN ACT establishing martial law in this State.

*Be it enacted by the General Assembly, as follows:*

SECTION 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law; and the same is declared to be in full force until otherwise ordered by the General Assembly, or suspended by proclamation of his excellency the governor of the State.

[ L. S. ] In testimony whereof, I have hereunto set my hand, and affixed the seal of said State, at Providence, the day and year above written.

HENRY BOWEN.

Fees, searching copy, and certificate, \$1 25.

No. 104.—(X.)

*Proclamation of the people's convention.*

## A PROCLAMATION.

Whereas the convention of the people of this State, at their last session in the city of Providence, on the 13th day of January, A. D. 1842, passed the following resolutions, to wit:

"Whereas, by the return of the votes upon the constitution proposed to the citizens of this State by this convention, on the 18th of November last, it satisfactorily appears that the citizens of this State, in their original and sovereign capacity, have ratified and adopted said constitution by a large majority, and the will of the people thus decisively made known ought to be implicitly obeyed and faithfully executed: We do, therefore,

"Resolve and declare, That said constitution rightfully ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

"And we do further resolve and declare, (for ourselves, and in behalf of the people whom we represent,) That we will establish said constitution, and sustain and defend the same by all necessary means.

"Resolved, That the officers of this convention make proclamation of the return of the votes upon the constitution, and that the same has been adopted and has become the constitution of this State, and that they cause said proclamation to be published in the newspapers of the same."



Now, therefore, in obedience to the above vote of said convention, we, the undersigned, officers of the same, do hereby proclaim and make known to all the people of this State that said constitution has been adopted by a large majority of the votes of the citizens of this State, and that said constitution of right ought to be, and is, the paramount law and constitution of the State of Rhode Island and Providence Plantations.

And we hereby call upon the citizens of the State to give their aid and support in carrying said constitution into full operation and effect, according to the terms and provisions thereof.

Witness our hands at Providence, in said State, this 13th day of January, A. D. 1842.

JOSEPH JOSLIN,

*President of the convention.*

WAGER WEEDEN, }  
SAMUEL H. WALES, } *Vice Presidents.*

WILLIAM H. SMITH, }  
JOHN S. HARRIS, } *Secretaries.*

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No. 105.

*Agreement of parties to the action.*

It is agreed, that all the acts, resolutions, and proceedings of the General Assembly of the colony and State of Rhode Island and Providence Plantations, from the organization of the government under the charter of 1663, to the organization of the government under the present constitution, to be found in the records, schedules, and digests of said colony and State, may be used in the trial and argument of said case of Martin Luther, plaintiff in error, against Luther M. Borden and others, defendants, before the Supreme Court of the United States, in the same manner as if said acts, resolutions, and proceedings had been put into this bill of exceptions. It is also agreed, that the printed constitution—printed by authority of the convention, and rejected by a majority of the votes thereon on the 21st, 22d, and 23d days of March, 1842—may be used in the trial of the above case, in the same manner as if the same were put into this bill of exceptions. It is also agreed, that all other exhibits referred to in the statement of the evidence of either party, as annexed to such statement, may be used in the trial of said case, in the same manner as if said exhibits were annexed to the statement of the evidences in the bill of exceptions: such exhibits to be furnished to the opposite party within ten days from this date.

It is further agreed, that the bill of exceptions shall be allowed, and signed by Mr. Justice Story, wherever he may be at the time when the same shall be presented to him. And that a writ of error may be issued and served, with the same effect as if the same was issued and had been served prior to the present term of the Supreme Court of the United States; and that this cause shall be entered upon the docket of said court at this term accordingly: provided that the plaintiff in error, before the service of said writ, give bond, according to law, to the satisfaction of the district judge.

SAMUEL Y. ATWELL,

*Counsel for plaintiff in error.*

ALBERT BOSWORTH,

*Attorney for defendant in error.*

PROVIDENCE, January 30, A. D. 1844.

*List of persons voting at the election of the 27th, 28th, and 29th December, 1841, for the purpose of adopting the people's constitution.*

No. 106.

CITY OF PROVIDENCE.

FIRST WARD.

David A. Cleaveland	F	Nathan H. Low	
Joseph Sprague Winsor	F	Henry O. Connell	
James Page		George Pepaw	
William C. Helme		Stephen A. Cornish	
Thomas Hopkins		James R. Stone	
Namon Miller		Alonzo Chase	F
Daniel Chase Easton		James Prestwick	
Thomas D. Windale		Job Smith	
Lyman Ware		Henry P. Salisbury, jr.	
Daniel L. Perry	F	John C. Leveek	
George J. Thurber		Wm. M. Webster	F
Matthew McKernan		Welcome Angell	F
Joseph L. Wood		James Major	
Joseph Cole 2d		John Gannon	F
George W. Walcott		Cushing Brown	F
Samuel Low		Benjamin B. Baker	F
Lewis F. Hubbard	F	Henry Butts	
Samuel S. Brown		Charles E. Newell	
Dexter B. Lewis		John M. Fanning	
George A. Ormsbee		M. A. Hutcheson	
Silas T. Burbanks		Elisha Easton	
Jabez Gorham 2d		Joseph Pidge	
George W. Briggs		Matthew Owens	
Henry S. Brown		George W. Allen	
Lyman S. Parr		James Cole	
Samuel S. Sweet		Isaac C. Sisson	
Joseph A. Gilman	F	Peter Duffy	
John E. Cook		William Russell	
Elisha Dillingham	F	Henry J. Duff	
Henry J. Ormsbee, <i>revo. pen.</i>		John D. Booth	
Charles Annis		Elkanah Whiteley	
Olney Annis		Benjamin Lewis	
Rhodes Pheteplace		Arnold Taft	
Daniel Angell	F	Israel B. Purrington	
John Proctor	F	Nath'l Aldrich	F
Daniel W. Palmer		Simeon Peckham	
Enos Goss		Hiram Cook	
Henry A. Williams	F	Samuel Wheldon	F
Eli Brown	F	Obadiah P. Osborn	F
James S. Davis		Richard Lawnly	
Ira Pidge		John Gorham	F
Benjamin J. Taft		Lewis W. Day	
James M. Haskell	F	Thomas Arnold	F

## PROVIDENCE—FIRST WARD—Continued.

John Tyler		Cornelius Mahony	
George Brown		George W. Flagg	
Solomon Batchelder		James C. H. Baxter	
Stephen Grover		Samuel T. Manchester	
Nicholas Goff		Francis R. Newell	F
John Davis		Willis C. Legg	
James M. King		Ezra F. Colvin	F
Benjamin Barney		Edwin Angell	
Wm. N. Smith	F	Cyra Bissell	
John S. Richardson		Jeremiah C. Hammond	
Franklin Wheeler		Henry Metcalf	F
Thomas Steward		Thomas Glynn	
Ebenezer Kingman		Samuel S. Cook	F
John B. Dexter	F	Albert Freeman	
Robert Currie		Augustus Arnold	F
Joseph W. Spencer		Henry N. Bucklin	
Joseph E. Tiffany		Rufus Goff	
John Brown		Albert Young	
Jesse Parks		Nicholas West	
Cyrus Young		Thomas Angell	
Ebenezer Wakefield		Benjamin C. Paull	
Leonard Comstock		Peter Gilligin	
Cyrus Osborn	F	Joseph Crandall	
Wm. A. Hopkins		George Hawkins	
James B. Cooman		Joseph Y. Francis	F
Horace Cole		James D. Titus	
Albert Holbrook	F	Wm. H. H. Streeter	
Henry Sumner Short		Patrick O'Connell	F
Harrison Reynolds		Daniel S. King	
Horace Thayer		Thomas Phillips	F
William Field, jr.		John H. Phillips	F
Simeon Burt		Benjamin Crandall	
Paris Winsor, jr.	F	Severn Somers	
Andrew Waterman Dexter	F	John H. Godfrey	
David Taylor		Nathan M. Ormsbee	
Warren Bissell		Joshua Godfrey	
Ezra George Brown		Charles H. Handy	
Daniel Branch		Joseph Ormsbee	
Leonard Drown		Joseph S. Covell	
Owen Salisbury		Nathaniel Westcott	
Albert Peters	F	Fayette Thurber	F
Joseph S. Barber		Olney L. Smith	
Edward Tyler Richardson		Nathan Westcott	
George O. S. Young		Benjamin Allen Holbrook	F
Boylston Poor		George W. Buffington	
Richard Lee		Nehemiah Dodge	F
Robert H. Angell		Wm. R. Tarbox	
Levi Sayles Lapham		Joshua W. Tripp	F
Amos Baker		Wm. W. Hoyt	
John Phillips, jr.		John J. Aldrich	



## PROVIDENCE—FIRST WARD—Continued.

Benjamin Newton	F	Charles M. Rounds	
Albert Smith		Benjamin L. Wheldon	
Duty Cook		Seth Howard	
Sheffield A. Swan		Warren Batchellor	
Lewis Potter		David Heaton	F
Wm. Butler		Samuel G. Dodge	
Elisha A. Austin	F	William B. Bradford	F
Wm. Angell	F	Pharis Wood	
Josiah Seagraves, jr.	F	William B. Tasker	
Parley M. Mathewson	F	Benjamin Rhodes	
John B. Baker		Henry M. Amsbury	
William H. Hopkins	F	Nathan M. Briggs	F
John P. Cornell		Joseph D. Kent	
George E. Cleaveland	F	William P. Farnum	
Cyrus Wood, jr.		Andrew Bowen	
Thomas Proctor		S. W. Jordan	
Seth Carter		Albert W. Page	
Horace Robbins	F	David Burt	F
Francis H. Mann		Lewis Thayer	F
Jabez J. Potter	F	Samuel A. Metcalf	F
Thomas M. Baker		Andrew Bishop	
Arnold W. Angell	F	James M. Morris	
James Angell		Joseph Hull	F
Joseph Kelly, jr.		Redmond B. Shepard	F
Nelson C. Northup	F	George W. Kimball	
Luther Angell	F	Thomas Fletcher	F
Joseph A. Casswell	F	Eaxter M. Hill	
John Campbell		Daniel Hill	
Joseph Veazie	F	Francis B. Fanbrother	
Henry C. Hill	F	Stephen Smith	
Stephen Wicks		William Grafton	
Joseph King		Gardner Pettis	
Joseph Whipple	F	Peter C. Taylor	
Orison Tillson	F	Bradford Briggs	
Paris Winsor	F	William Kenna	
Josiah F. Crooker	F	Joseph Diggles	
Joseph Greene		John K. Smith	F
Crumline La Due		Joseph A. Church	
Hezekiah Reynolds		Richard B. Hawkins	
Benjamin F. Smith	F	William Stafford	
Martin Walling	F	Joseph Fletcher	F
Jonathan Chace	F	John H. Green	F
E. T. Paul		Peter Haswell	
Willis Gould		Joseph Cole	
John Webb		Stephen W. Angell	F
William H. White		Hansel Brown	F
Alexander Burgess		Lemuel Capron	F
Nathan Hill		Patrick Healy	
Amariah Medbury	F	John Healy	
Benjamin L. Medbury		Pearly Carpenter	

## PROVIDENCE--FIRST WARD--Continued.

George Johnson		Benjamin G. Gardner	F
Nathaniel G. Helme		Israel Amsbury, jr.	
Daniel Armington		Jesse Brown Sweet	
Thomas J. Paine		William B. Healy	
Joshua R. Burdick	F	Robert D. Briggs	
Stephen S. Salisbury		Jarvis Sisson	
Franklin Smith	F	Benjamin T. Hathaway	
Joseph Boodry		William H. Salisbury	
Ziba Covell		Henry H. Snow	F
Benjamin G. Whipple		Nathan Taft	
Hiram Smith		Samuel Dillaber	
Edwin S. Bradford		James Wetherby	
Bernard Greene		Ezra Dean Potter	F
Benjamin D. Annis		Paul Taylor	
David Osborn	F	Arnold Man	F
C. W. Holbrook		Nicholas C. Hill	
Benjamin M. Hubbard		William Grayson	
Theodore Angell	F	Alvers Benson	F
John E. Metcalf		John McCrарpen	
William D. Avery	F	Walter M. Scott	F
J. B. Sisson	F	E. E. T. Paull	
Arthur Williamson		Asa Angell	
Obadiah Arnold	F	Oliver Lindall	
Nathan Baxter	F	Joseph Weaver	F
Tibbett Reynolds		Nelson Hawes	
Henry G. Coggeshall		John Sidney Pollard	
Asa Wooley		William H. Reynolds	
Jeremiah O. Angell	F	William W. Chase	F
Ezekiel Carpenter	F	John Salisbury	
Nicholas B. Easton		William Fletcher	F
John Green		William Mitchel	
James K. Potter		Clark W. Casswell	
John Crum		Nathan M. Williams	
Horace Crossman		James Booth	
Albert Angell		George Very	
Ebenezer Cary	F	James Greene	
Seba C. French		Edwin Williams	
Silas Hemmenway		Gardner C. Clarke	
James Thurber, jr.	F	Thomas W. Walcott	
Joseph W. Briggs	F	James McKenna	F
James M. Moore		Oren Nichols	
George Brown, 3d	F	John Wayland	
Sayles Wilbur		Ezra N. Sampson	
Galusha W. Arnold	F	Barney Clafin	F
Ellery Wesson		George Leavens	
Ethan Whipple		Arthur Snow	F
Lyman A. Bates		Levi C. Dexter	
Green Clapp		Joseph Fennery	F
Henry C. Stoddard		James Fitz Simmons	
Albert Briggs	F	James B. Brown	

## PROVIDENCE—FIRST WARD—Continued.

John Watson		John Young	
Joel R. Fernal	F	Joshua Bacon	F
George J. Shearman	F	Francis P. Bardeen	F
John B. Smith		John Smith	F
Benjamin L. Tuells		Olney B. Scott	F
Hiram H. Whitford	F	Francis Hersey	F
John Whitford	F	James Chester	
William Morris, jr.	F	Cyrus Grant	F
George Hall	F	Henry Tuell	
Samuel R. Kelly		John Knight	
Henry Patt		Horace Batchellor	
Aaron M. Burt	F	James Mumford	
Samuel Metcalf	F	Job M. Knight	F
Samuel Brown	F	Stukely Wickes	
Henry Tinker		William G. Angell	F
Joseph Burton		Francis Hawkins	
Freeman Knowlton	F	John Hudson Briggs	
James Kennedy		Henry L. Smith	
Mawney Carpenter	F	Samuel J. Cole	F
J. Selana Miller		Christopher O'Brien	
James Yerrington		Patrick Shannon	
John C. Lee	F	Jonathan B. Williams	
Wm. W. Carpenter		Benjamin Holbrook	F
John Prestwick		Benjamin Aldrich	
Samuel Briggs		Henry Anthony	
John Worsley		Henry A. Morse	
Edward Lasell		Solomon Gage	
Paul N. Pidge		George S. Morse	
Isaac Green	F	Charles Hackett	
Thos C. Hiell	F	Lemuel Baker	
Samuel Wright		Thomas Greene	
Richmond Henry		Benjamin Earle	
John Boyden		Obadiah Mason	F
Charles Mastisson		Benjamin Appleton	
Isaac T. Hawkes		Richard Mathewson	
Wm. Murry		Charles F. Searle	
Ensign E. Kelly		Calvin Shove	
George Henry Thurber		Alden Henry	
Mason A. Kingman		Edward Bucklin	
James Barrows	F	Winthrop Pidge	
Wm. B. Gardner		Luther Salisbury	
Robert H. Barton		Alfred Gardner	
Elijah Smith		Alfred Potter	F
Thomas L. Tuells	F	Edward Harwood	F
William W. Covell		Benjamin F. Newton	F
Owen Finey		Levi Anthony	
Michael Cooman		Stephen Barry	
Henry B. Metcalf		Stephen Smith	
Edwin T. Scott		John Holmes	F
George A. Payne	F	Arnold Russell	



## PROVIDENCE—FIRST WARD—Continued.

Augustus J. Winship		John McPhail	
Edwin Potter		Robert Wilkinson	F
Moses Mason		Stephen Clarke	
Henry McPhail		Anthony McKinna	
David Lawless	F	Palemon Pidge	
Asa Scott	F	Harrison Young	
Talman T. Angell		J. B. Swasey	
James S. Anthony		Benjamin Williams	F
Joseph Wheldon		Duty Roberts	F
James Tyler		Edwin W. Hawkins	
Philip F. Brayton		Pardon Brown	F
Reuben Taylor		John Donelly	F
Clarke Steere		Thomas Collins	F
Henry J. Angell	F	John O. Shaw	
Alfred M. Pratt	F	Caleb B. Chase	F
Mason Hathaway	F	William G. Grant	
Chandler Eddy			
William Frazier		Freemen - - -	162
Nathan Rathburn	F	Non-freemen - - -	362
Silas S. Applebey			
Willis Hamblin		Total - - -	524
Thomas Maston			

## SECOND WARD.

Benjamin T. Albro		Edwin Montgomery	
Ezra Hubbard		Thomas Swan	
Benjamin Bowen		John C. Martain	
Walter S. Burgess	F	Elisha Emerson	
Henry Thurber		Abert G. Barton	
Samuel B. Cushing		Josiah C. Blanchard	
Jesse Bennett		David Keith	
Edward S. Lyon		Cyrus Drake	
James E. Budlong		John Sayles	
Russell Clapp	F	Henry Pinkham	
Jesse Calder		Elisha N. Tobey	
James B. Buffum		Joseph K. Angell	F
Henry Allen		Lewis W. Clifford	F
Elijah Ryder		Thomas McGuire	F
John A. Brown		John O. Falvey	F
John Vaughn		Eaton W. Maxcy	F
Samuel H. Wales	F	Henry B. Salisbury	F
William Wentworth		David T. Seamans	
Joseph Dorr		Alfred Mason	
Isaac Fish, jr.		Edward H. Thurston	
Obed Wood		Abram Bliss	
Wm. H. Smith	F	George M. Kendall	
John L. Boylston		Asa Cole	
Thomas W. Dorr	F	John B. Barton	
Wm. Whipple Brown	F	S. W. Sperry	

## PROVIDENCE—SECOND WARD—Continued.

Philip Allen, jr.	F	Wm. R. Angell	
Wm. B. Marshall		James C. Otley	
Luke Whitcomb	F	Stephen O. Pinnell	
Amos Yeomans		John H. Bradford	
George Judd		James M. Bradford	
Henry S. Parks		William E. Cutting	
John F. Jolls		Stephen L. Gould	
Richard Eddy	F	Arthur Dennis	
Isaac Clarke		Theophilus Hilton	
Thomas R. Rathbun		Thomas Breck	F
George L. Morse		Wm. P. Dean	
Asel Steere	F	Jeremiah Monroe	
Henry Temple	F	George F. Mann	F
Charles A. Hinkley	F	William Robinson	
Joshua Eaton		James R. Potter	
Mark Whidden		Silas G. Tripp	
James M. Smith	F	Charles H. Smith	F
Samuel Morgan		George H. Pidge	
Wescott Handy		Fenner Angel, <i>revo. pen.</i>	
Andrew P. Holden		Erastus W. Pond	
Gamaliel L. Dwight	F	Welcome Brown	
John Plumly		James Chapman	
Ira Harvey		Freeman M. Rose	
Daniel C. Cushing		John H. Gould	
Erastus Parish		Martin Stoddard	F
Wright Curtis		Hiram T. Chace	
Abraham Bush		Wm. P. Bradford	
Wm. S. Humphreys	F	Rhodes Waterman	
Samuel G. Tripp		John R. Horton	F
David P. Baker		Thos. Jefferson Branch	F
William G. Dickey		Timothy H. Temple	
James H. Horton		Charles Robbins	
John Fradin	F	Barker T. Yerrington	F
Phineas B. Nichols		James A. Baldwin	
Louis Bontell		Lewis Bangs	
William Sawyer		Sabin Hopkins	
Elijah Sanborn		Charles Snow	
Charles Grove		Charles R. Taylor	
David P. Peck		James Fosdick, jr.	
James Smith		George Wardwell	
Ahab Reed	F	Wilnot D. Luce	
Philander W. Fisher		William Barnet	
William Wilson		Ambrose Clarke	
David Hopkins		John Shaw	
Amasa Breck	F	Alfred W. Eldred	
James C. Mahenny		Allen Greene	
Michael G. C. Bates		Benjamin Greene	
Nicholas Power		William G. Hodges	
Joshua L. Gray		George Wheaton	F
Hiram W. Chace		William H. Chandler	

## PROVIDENCE—SECOND WARD—Continued.

Alva Woods		William H. Lovell	
Samuel Watson		Josiah Cushing	
Holmes Greenwood		William M. Perkins	
Augustus Ellis		Eben Ames	
Samuel Millard		Joseph Smith	
Thomas Burgess	F	Bartlett Donaghue	
Stephen A. Aldrich	F	Walter Crowley	
Emerson Clarke	F	Phineas Wesson	
Richard Palmer	F	Charles J. Little	
William L. Barrus		Leonard C. Lincoln	
Nedebiah Angell	F	Rufus S. Gould	
James B. Dorrance	F	Lyman Pierce	
William Temple		Hiram J. Eddy	F
John B. Ingraham		Parker H. Lawton	F
Sylvanus Griffith		Benjamin Cowell	F
Joel Barrett		George M. Angell	
Lemuel Vinton		Henry A. Webb	
Alfred R. Gardner		Stephen B. Jenckes	
Joshua Howland		William Foster	F
Otis Chace	F	Edwin B. Harvey	
Elisha Brown	F	Manson Briggs	F
Henry C. Packard	F	Anson Waterman	
William B. Burdick	F	William Gibbs	
Nathaniel R. Waterman		Lyman Howe	
Henry G. Mumford	F	Ira Arnold	
Augustus M. Town		David B. Blake	F
John F. B. Flagg	F	George W. Thayer	
John P. Knowles	F	Edwin L. Johnson	
Hugh H. Brown		Charles Robinson	
James R. Budlong		George W. Bennett	F
Henry Knowles	F	George W. Perry	
Job Winsor		Aaron Derby	
Simon Smith		Michael Smith	
William J. M. Fisk		Samuel H. Thomas	F
Halsey Sweetland		Joseph W. Taylor	
James S. Lincoln		Edwin A. Bush	F
Ambrose N. Perrin		James M. Warner, 2d	
Lanson M. Calder		John Handerson	
Henry O. Demings		Nehemiah W. Lee	
Ferdinand Bardeen		Horace Pratt	
Charles A. Pennell		Stephen Smith	
George S. Peckham		Palmer Lewis	F
Virgil B. Bucklin		Harvey Perry	F
Joseph Jewett		Abner Butler	F
Daniel J. Peckham		Cyrus Darling	
Thomas D. Melville		George H. Bradford	
James McCarthy		Brayton Slade	
William G. Snow		George Rice	F
Asa Cushman		Eben Shed	
Joseph B. Wilkinson		Arable Collins	



## PROVIDENCE—SECOND WARD—Continued.

Seth B. Lewis		George W. Frost	
Pitts Smith	F	George Updike	
William Edgar		Amos Martin	
James Colvin		Henry S. Sweet	
Otis H. Kelton		Benjamin F. Herrick	
Samuel McLellan, jr.		William C. Bowen	
Henry J. Swan		Richard E. Eddy	F
Robert Purkis, jr.	F	Amos D. Yeomans	F
Stephen W. Hunt	F	Major W. Shaw	F
John Mullin, jr.		Joseph A. Andrews	F
Warren G. Noyes		Eber Gleason	
Stillman H. Blackwell		Walter W. Orrell	
John W. Hoyt		Jeremiah Smith	
Richard Locke		John Calder	F
Henry Lindol		Charles Sabin	
John Hemphshall		Edward D. Leveck	
Augustus B. Copeland	F	William M. Battelle	
Laban T. Rogers		James S. Phetteplace	F
Edwin Lovett		Abm. Alexander	
Richard Smith	F	Walter S. Allen	
Tillinghast Thornton		John N. Swan	
William Vinton		Serry Clarke	
Harvey Brown		Thomas T. Wilcox	
Benjamin P. Robinson		Thomas R. Holden, jr.	F
James Anthony		Henry R. Congdon	
Edward Hall		William R. Andrews	
Zebulon S. Steere		Edward F. Miller	F
Larned Scott	F	Michael Glynn	
John B. Day		Henry H. Burrington	F
Cornelius Miller		James H. Sabin	
Henry Whiting		James Humphreys	F
Charles G. Arnold			
Smith Shaw		<i>By proxy.</i>	
Joshua Emmons		Mason W. Jones	
George A. Howard		L. W. Benton	
Dennis Ryan		James Calder	
Lyndon White		Levi Ellis	
Thomas W. Foley		William Q. Wheeler	
Henry Mowry		E. H. Winship	
Nelson Bunn		William Eaton	
Arthur Addington		Dexter Taft	
George Capron		Mathewson Williams	F
James K. Logee		James B. Calder	F
William P. Roberts		John Kavanagh	F
William B. Thompson		George H. Phillips	F
Otis Wilmarth		Abner Gay, jr.	F
Joseph T. Holroyd		Isaac Fisk	F
William Harding		Edwin W. Lewis	
John Corry	F	John Ferguson	
Gideon M. Horton			

## PROVIDENCE—SECOND WARD—Continued.

Simon H. Rose		Michael Fowler	
William Alexander		Lawrence Hunt	
Robert Bowser		John A. Parmenter	
William C. Force		James D. Gregory	
James Scott, jr.		Israel Gardner	
John Burr	F	Philip R. Greene	
Crawford Carter	F	James Hazard	
John C. Gray		William Valentine	F
Amasa S. Wescott	F	Daniel Robinson	F
Philip Allen	F		
James S. Pidge	F	Freemen,	88
Cyrus Pratt		Non-freemen,	284
Elisha Dayton			
Joseph Gardner		Total	372
James Casey			

## THIRD WARD.

*Freemen.*

Theodore Hall	William Saben
Roscoe Hall	Daniel Russell
Henry Gardner	Benjamin Smith
Allen Tillinghast	Thomas H. Tillinghast
Isaac Hall	Giles Peckham
Samuel C. Eathforth	William C. Barker
John Burrough	Daniel V. Ross
Joseph R. Brown	Sylvanus Goff
Benjamin W. Robbins	John McLaughlin
William Coleman	Alexander Kieff
Thomas Greene	Samuel Warren
Sylvanus Goff, jr.	Nathan Kent
William Bradley	Albert K. Gerald
Wheeler M. Blanding	John Fleming
Harvey Simmons	Perry J. Chace
Edward Luther	Ira M. Goff
Philip M. Baker	Eliphalet Horton
John T. Sheldon	Arnold R. Pond
Samuel Guild	Isaiah Barney
Joshua H. Work	John B. Taylor
Peabodie Bailey	Norris Deming, jr.
John Cross	William Tillinghast
Thomas G. Northrop	Daniel Weaver
Richard Lloyd	Calvin Kent
David W. Barney	Elisha C. Wells
Elias Read	Gideon Hall
James M. Turner	Daniel Sweetland
Gorton Hudson	Edward S. Underwood
Robert L. Thurston	Albert G. Dexter
George W. Fuller	Hosea Carpenter
	John Crocker
	Thomas H. Stoddard

## PROVIDENCE—THIRD WARD—Continued.

Richard Harding  
Allen J. Gladding  
George W. Talbot  
Benjamin A. Vincent  
Mason Peckham  
Alfred K. Hall  
Josiah Simmons  
Samuel W. Reynolds  
Zena Waterman  
George Dickey  
Thomas W. Cook  
Lloyd Shaw  
Henry A. Potter  
Richard Baker  
Silas Talbot  
Nathan Mason  
Samuel Carr  
Anthony Budlong  
John D. Jones  
William P. Allen  
David B. Doyle  
William C. Millac  
Edmund Jackson  
Joseph W. Rawson  
Anthony Dexter  
Christ. G. Godfrey  
David Vincent  
John Justin  
John A. Howland  
Marvin Lyon  
Joseph Briggs  
Benjamin D. Bailey  
Thomas D. Gladding  
Abel Foster  
Thomas A. Richardson  
Albert J. Jones  
John Wilson  
George Oxx  
George A. Lummus  
William W. Shaw  
John O. Potter  
William H. Pike  
Robert E. Lapham  
Gideon G. Hicks  
Thomas Phillips  
Lucius Horton  
Hugh Morrison  
William Guernsey  
James Bean  
Elias Stoyles

Albert G. Gardner  
Stephen G. Coleman  
Samuel A. Gerald  
John A. Townsend  
Jeremiah Miller  
Lewis H. Bradford  
Horatio Barney  
Russell Sutton  
Joseph A. Chedell  
Sturgis P. Carpenter  
George S. Dye  
Lewis Leveck  
William J. Tilley  
George D. Clarke  
Philip H. Durfee  
George W. Mason  
George B. Dean  
Peter W. Ferris  
Ira B. Winsor  
George S. Harwood  
Albert Dailey  
Peleg A. Shearman  
James P. Butts, jr.  
William Woodward, jr.  
Calvin J. W. Bullock  
Allen Munro, jr.  
Albert Dodge  
Frederick F. Dodge  
Keiley Brown  
Nathaniel Luther  
Oliver Mason  
James Mason  
Jabez Rounds  
John H. Butts  
William B. Brown  
Henry Leonardson  
William Smith  
Joseph Bradford  
Job Hull  
Davis Wilson  
George R. Paull  
Nathaniel Church  
Harding W. Stoddard  
Darius N. Thurber  
George W. Brown  
Joseph Tillinghast  
William C. Millard  
George H. Peck  
James T. Rhodes  
Kinsley C. Gladding



## PROVIDENCE—THIRD WARD—Continued.

Joel Blaisdell  
George W. Conley  
Solomon Dodge

*Votes of persons qualified, but not  
admitted.*

John B. Earle  
Humphrey Sprague  
John G. Alers  
Joseph Spelman  
Henry Richardson  
Lewis Kenyon  
Thomas C. Watson  
George Read  
Nathaniel P. Bartlett  
John Bacon  
Henry W. Rodman  
Edwin Stayner  
John Jones  
Edward S. Burrough  
William L. Ormsbee  
Jonathan Allers  
Oliver Spelman  
Iram Hayward  
John Johnson  
James B. Tillinghast  
William H. Harris  
Charles A. Lake  
Nathaniel C. Bushel  
William Wrling  
Henry J. Burroughs  
Robert N. Burdick  
Edward T. Ross  
James C. Sayres  
James H. Munroe  
John . Paine  
Israel Wood  
William R. Gladding  
John A. Hopkins  
William J. Spencer  
Thompson Wells  
Josiah Reed  
John A. Bennett  
Mathew W. Armington  
Edward P. Butts  
William A. Munroe  
Nathaniel Cole, jr.  
Gideon Gurnett  
Abel Oaks

Benjamin Gibbs  
Gardner C. Gibbs  
John C. Gibbs  
Benjamin N. Armington  
William W. Simmons  
Charles Gray  
William C. Davenport  
Charles W. Henry  
William Mansir  
Jeremiah S. Smith  
Stephen G. Mason  
Marian Smith  
Lewis C. Allen  
Albert H. Ormsbee  
Ellery Millard  
Amanuel A. Vaughn  
Olney Heath  
Henry T. Cooley  
Albert Weaver  
Simeon Nicomb  
Henry Weaver  
William H. Foster  
Mathew A. Chase  
John S. Greene  
Elias D. Trafton  
Henry Cleaveland  
Oliver H. Stowell  
John D. Drown  
Samuel B. Bullock  
Pardon M. Hale  
James M. Brickley  
George T. Drown  
William W. Aldrich  
William Blanding  
A. B. Simmons  
Joshua Read  
Ira D. Goff  
Thomas J. Monroe  
Frederick Fuller  
James D. Tillinghast  
Samuel M. Manchester  
John S. Hammond  
John R. Child  
Thomas J. Griffin  
Hezekiah Brown  
Luther A. Martin  
Joseph L. Brown  
George Richardson  
William T. Pearce  
Nathan Child

## PROVIDENCE—THIRD WARD—Continued.

Addison M. Fairbanks  
 Wm. Dunnell  
 Nicholas Johnson  
 Charles M. Peck  
 John T. Greene  
 James C. Bigelow  
 William Franceville  
 Joseph B. Mason  
 Benjamin J. Brown  
 Joseph R. Allen  
 Cyrus Twitchell  
 Nathaniel M. Allen  
 Edward Loobey  
 Benjamin Wakefield  
 James E. Spelman  
 John H. Greene  
 John H. Lonsdale  
 Crawford Allen  
 J. L. Maring  
 Nicholas Carr  
 John B. Walker  
 Elijah Selden  
 Stephen Hill  
 Benjamin Allen

*Voters not qualified by land.*

Job Luther  
 Francis B. Bushell  
 Ezra P. Lyon  
 Charles B. Smith  
 George W. Coster  
 George W. Harris  
 William E. West  
 Loven Jones  
 Benjamin K. Smith  
 James O. Read  
 Nathan B. Luther  
 Benjamin C. Hubbard  
 Charley Shannok  
 Laban Easterbrooks  
 William Jones  
 Daniel K. Ormsbec  
 John T. Sweet  
 William C. Thayer  
 John M. Jenkins  
 Daniel Fisk  
 Kingsley P. Studley  
 Edwin Tripp  
 George Foster

Francis W. Garlin  
 Abraham B. Studley  
 James Anthony  
 James M. Munro  
 William A. Stanley  
 Benjamin Conwell  
 Benjamin D. Chace  
 Joel Hotchkiss  
 Jacob Frieze  
 George C. Dickinson  
 Lee Langley  
 Samuel Spooner  
 Daniel Holmes  
 Borden Albrow  
 John A. McLane  
 John H. Miller  
 Benjamin Davis  
 David Collar  
 Jacob Hopkins  
 Zoeth Brown  
 Ebenezer C. Allen  
 Caleb Whiteford  
 Calvin S. Peck  
 James P. Allen  
 William H. Peck  
 Nathan F. Read  
 Peter A. Davis  
 Shubel Blanding  
 William W. Cumming  
 William E. Sweet  
 Samuel Spencer  
 Samuel Arnold  
 Lewis Bonney  
 William Cameron  
 William Sprague  
 Harvey Chaffee  
 Lebbeus J. Peck  
 Patrick Flynn  
 John S. Reynolds  
 John Welden  
 Otis T. Stanley  
 Benjamin Maker  
 Samuel Heath  
 Ira A. Stanley  
 Charles A. Eddy  
 David R. Houghton  
 Thomas T. Pitman  
 Henry Congdon  
 William N. Studson  
 John Mathews

## PROVIDENCE—THIRD WARD—Continued.

William Barker  
Samuel Allen  
Henry R. Paull  
Levi Shearman  
Henry Stevenson  
John N. Locke  
John D. Henley  
Joshua Read, jr.  
George S. Brown  
Joseph T. Smith  
Sylvester W. Peck  
Samuel Allen  
Wm. B. Gould  
Henry Miller  
Benjamin J. Brown  
Brutus Aldrich  
Wm. Eddy  
Wm. H. Sabin  
Rouze P. Wate  
Stephen Maxwell  
Michael Tooker  
Thomas Hopkins  
Jared C. Dodge  
Joseph K. Mason  
Oliver C. Stanley  
Shubel Ormsbee  
James N. Curtis  
Perry S. Manchester  
Sanford Ross  
James S. Miller  
Henry Bragg  
Henry L. Foster  
Wm. W. Doty  
Aaron Atwell  
Richard Chappell  
Josiah A. Hunt  
Wm. T. Hopkins  
Bowen Spencer  
Alva Grey  
Benjamin Albro  
Walter L. Potter  
Ezra S. Allen  
Benjamin Hodgdon  
William Haswell  
Metcalf White  
Ansel West  
Henry Bailey  
Hiram Barron  
Thomas B. Smith  
William Sutton, jr.

Simon Watson  
Jeremiah S. Ross  
Amos Stone  
Hiram S. Read  
David Ingraham  
William H. Bogman  
Albert Bullock  
James C. Sheridan  
Gilbert N. Warren  
Benjamin J. Bliven  
Joseph Cole  
George Grafton  
Benjamin W. Dexter  
George H. Bosworth  
George W. C. Frieze  
George Grafton, 2d  
Jeremiah Wilcox  
Wilder Brown  
George Wilcox  
Cornelius S. Stephens  
Henry W. Smith  
Winfield S. Chase  
Elhanan W. Wade  
James S. Moran  
Noah Howe  
Josiah S. Pierce  
Darius Dennis  
Maxwell Chase  
William H. P. Steere  
Isaac Goddard  
Jerome Shearman  
Benjamin Pierce  
Thomas Wetherby  
Seth Cobb  
Daniel V. Ross, 2d  
Jeremiah G. Luther  
William C. Carr  
John Glover  
Naphthali Newhall  
John Sprague  
William H. Vaughn  
Charles Dean  
John Hoar  
John D. Barney  
Horatio M. Smith  
John B. Palmer  
Noel Matherson  
Edward P. Martin  
Edward Landey  
David L. Williams



## PROVIDENCE—THIRD WARD—Continued.

Iram Frost  
 Russell Munroe  
 Edward T. Bourne  
 George Fowler  
 Josias L. Peck  
 Morris Demming  
 James Fuller  
 Charles A. Cornell  
 Benjamin S. Heath  
 Obadiah Mason  
 William Battey  
 Dean Chase  
 Benjamin Rogers  
 William W. Battey  
 Aaron Boomer  
 Comfort Horton  
 Samuel A. Thomas  
 Leprelet H. Wilmarth  
 John Merris  
 James B. Holme  
 George A. Bailey  
 Albert Hunter  
 John C. Bill  
 Francis Hull  
 Abraham B. Salisbury  
 Henry A. Sutton  
 George A. Blackmar  
 Solomon W. Jacobs  
 Israel Pearce  
 Benjamin B. Hathaway  
 Ephraim Brown  
 Simeon P. Pullin  
 Isaac Dowd  
 Bradford Ripley  
 Wheaton Moffit  
 William P. Allen  
 Ephraim Eldridge  
 Nathan S. Bowers  
 Abner Tripp  
 Rodney Luther  
 William Morgan  
 Charles W. Rhodes  
 Josiah Bliss  
 John M. Shaw  
 Alba B. Parker  
 Josiah H. Ormsbee  
 Abel B. Potter  
 Silas Reynolds  
 Patrick Quain  
 Stephen S. Burdick

Thomas R. Tripp  
 William Allen  
 Christopher Blanding  
 George Doad  
 George Fisher  
 William Jackson  
 David T. Cornwell  
 Joseph S. Mason  
 William Hull  
 Lyman Hodsdon  
 Aaron Richardson  
 Pardon B. Millard  
 Charles A. Brown  
 Henry S. Frieze  
 Jeremiah C. Bliss  
 Joseph B. Mason  
 William H. Butts  
 Henry Potter  
 John Williams  
 Joseph J. D. Grafton  
 George A. Studley  
 Edwin G. Greene  
 Alexander Eddy  
 Benjamin H. Bassett  
 Charles S. McReady  
 Stephen A. Aptin  
 George Foster  
 George D. Mason  
 Joseph Gould  
 Henry Dodge  
 James Millard  
 George Greene  
 John S. Sweet  
 James White  
 Charles B. Gladding  
 John Sutton  
 Charles Tripp  
 Edward Crowley  
 Edward Carland  
 Samuel Langley  
 Joseph Northrop  
 James A. Leet  
 Robert Ford  
 Gideon R. Sweet  
 John Greene  
 Daniel Greene  
 Jonathan Baker  
 Samuel H. Viall  
 Daniel Bucklin  
 Ezekiel Mowry

## PROVIDENCE—THIRD WARD—Continued.

George D. Wenman  
 George Lewis  
 Simon Smith  
 Edward A. Ashton  
 William Pierce  
 Jeremiah Wilcox, jr.  
 Charles Daniels  
 William Chappell  
 William B. Bigelow  
 Orion Whitaker  
 J. C. Dillaber  
 William Thomas  
 Samuel Eathforth  
 Benjamin Greene  
 Samuel Butts, jr.  
 James McLellan, jr.  
 John G. Dishley  
 Lorenzo Mitchell  
 Henry Luce  
 Samuel C. Davis  
 George W. Smith  
 Alexander T. Sheldon  
 Seth Chapin  
 Jesse A. Bullock  
 Samuel Wilmarth  
 Charles McLane  
 William Meriwether  
 James Dunbar  
 William Clarke  
 William C. Ormsbee  
 Hugh H. Harkins  
 Joseph French  
 Israel Barney  
 Joseph Paine  
 Nathaniel W. Cozzens  
 John Potts  
 William Nicholas  
 John Clarke  
 Asaph Mason  
 Stephen P. Clarke  
 Mason Read  
 William Brown  
 Charles N. Pond  
 Samuel J. Butts

Theophilus P. Paine  
 William Smith  
 Andrew Ide  
 James Foster  
 Rollin S. Belknap  
 Henry E. Barney  
 George S. Mason  
 William Smith  
 James S. Hinkley  
 Andrew J. Davis  
 David Dodge  
 Richard Stokes  
 John J. Hall  
 Asa Armington  
 John H. Pierce  
 Gilbert K. Gladding  
 Henry Fowler  
 Reuben Weekes  
 George W. Hazzard  
 Jonathan Cartwright  
 Stephen Brooks  
 Jefferson Perkins  
 Arnold L. Brown  
 Nathaniel Viall, jr.  
 Samuel D. Lindsley  
 Lloyd Bowers  
 John T. Moore  
 Joseph L. Burroughs  
 Galen Pond  
 A. P. Newcomb  
 Wm. S. Whitmore  
 William Relph  
 John T. Tillinghast  
 Joseph Hunt  
 David C. Champlin  
 John P. Battey  
 Emery Cushman  
 Fenner Brownell

Freemen,	165
Non-freemen,	472
Total	<u>637</u>

## FOURTH WARD.

Solomon H. Austin  
 Robert Almy  
 Wm. H. Allen

Charles A. Arnold  
 James P. Arnold  
 Isaac B. Allen

## PROVIDENCE—FOURTH WARD—Continued.

Silas S. Allen  
Alvin S. Arnold  
Francis Anderson  
John B. Ames  
Samuel B. Arnold  
George A. Abbey  
Charles G. Arnold  
Anson W. Aldrich  
Jonathan B. Allen  
James O. Arnold  
Caleb Arnold  
Benjamin R. Almy  
Alexander T. Andrews  
Burrington Anthony  
David G. Aldrich  
Jabez Allen  
George W. Arnold  
Joseph F. Arnold  
Tillinghast Almy  
John S. Andrews  
Elisha Bosworth  
Anson Buckley  
Fred. L. Beckford  
James P. Burgess, jr.  
Albert Brickley  
John Brady  
James Barnes  
James Billings  
George A. Billings  
Samuel W. Baker  
Nesbitt F. Bowes  
Oliver A. Budlong  
Freeman Burke  
William Baker.  
Hartford B. Billings  
Wm. A. Baker  
Benjamin Bogman  
Josiah Brownell  
Jesse Bolles  
George Bolles  
Wm. H. Burgess  
Albert M. Burgess  
Charles Burlingame  
Cornelius W. B. Bennett  
Daniel R. Briggs  
Charles D. Brown  
Wm. W. Brown  
Samuel W. Butts  
David M. Bullock  
James Boyce

Albert E. Bowers  
Frederick B. Bersuet  
Samuel Brown  
Elijah Brown  
John G. Bitner  
Edwin D. Burroughs  
Gideon Barker  
John R. Brown  
Peleg Burroughs  
Henry Brickley  
Sylvester B. Bowers  
Charles Buck  
Leonard B. Bigelow  
Ephraim A. Burrows  
Eseck Bowen  
William Brownell  
Reuben Brown  
John Bussey  
William Bogman  
Stephen Brown  
George O. Bourne  
John Burdekin  
William Brownell  
Thomas Burns  
Benjamin C. Bowen  
Samuel J. Bowen  
William B. Bourn  
Allen Brown  
Charles W. Carter  
Benjamin T. Chace  
Charles H. Colson  
Horace Collins  
Horace Capron  
Oren Claffin  
Eleazer W. Collins  
Stephen Cornell  
Welcome Collins  
Archibald Chase  
Nicholas E. Chase  
Ebenezer Cobb, jr.  
Thomas Case  
Nathaniel J. Cheney  
Thomas Chase  
John H. Chase  
Lyman F. Cobb  
Jacob Converse  
John P. Case  
Asa Chase  
Stephen C. Colby  
Ebenezer Cobb



## PROVIDENCE—FOURTH WARD—Continued.

William Carr  
 Stephen Curtis  
 William B. Cranston  
 Rufus Claggett  
 William P. Cook  
 Otis H. Cushing  
 William H. Clarke  
 John E. Chase  
 Thomas L. Clarke  
 Benjamin R. Carpenter  
 Powell H. Carpenter  
 Ebenezer C. Cook  
 William J. Cobb  
 James Clarke  
 Liberty Childs  
 Thomas J. Carpenter  
 Nelson Cooper  
 Joseph G. Chamley  
 George G. Clarke  
 William Coggeshall  
 Job Carpenter  
 Simon B. Cutler  
 Henry G. Carpenter  
 James Carroll  
 William W. Crandall  
 Thomas F. Carpenter  
 Calvin Cady  
 Edward E. Chase  
 Francis Carr  
 Christopher G. Dodge  
 John Drown  
 Stephen A. Davis  
 Walter R. Danforth  
 Jonathan M. Danforth  
 Edward Dexter  
 George R. Davis  
 Mathew Donnelly  
 Rowland Duckworth, jr.  
 John S. Davison  
 George R. Dodge  
 Clark Dalrymple  
 Ellis Day  
 Thomas Dermot  
 David Davis  
 Francis L. Danforth  
 Rowland Duckworth  
 George Dyer  
 William P. Davenport  
 John R. Eames  
 Silas S. Everett

John Easton  
 Thomas Easterbrooks  
 Vinal N. Edwards  
 George A. Eaton  
 Charles W. Eddy  
 Charles B. Eddy  
 Bailey W. Evans  
 John Eldridge  
 Samuel Eldridge  
 Thomas Earle  
 Benjamin Eddy  
 Charles Fisk  
 William B. Fairman  
 William H. Fenner  
 Abijah W. Fitts  
 Oliver Furnald  
 George Fax  
 William Fisk  
 Ezra W. French  
 George B. Franklin  
 George C. Freeborn  
 A. J. Foster  
 Joseph B. F. Fuller  
 Edmund Fowler  
 Burroughs Field  
 Peter O. Greene  
 James W. Gladding  
 Henry Gray  
 David E. Gale  
 Slade Gardiner  
 John H. C. Gray  
 William N. Gardiner  
 John S. Gladding  
 Samuel S. Ginnedo  
 Henry B. Gladding  
 Timothy Gladding  
 William H. Gardiner  
 Benjamin A. Grinnell  
 Royall P. Gladding  
 Benjamin H. Gladding  
 James P. Goodwin  
 George F. Gladding  
 Joshua P. Geddings  
 Abel Greene  
 William B. Greene  
 Jason W. Harvey  
 Edward Hallett  
 Jacob Hardenburgh  
 William H. Hood  
 William Hill

## PROVIDENCE—FOURTH WARD—Continued.

Paul Himes  
 William L. Hammett  
 Thomas G. Humphreys  
 Joseph P. Hoyt  
 William Harding  
 Patrick Hammond  
 Angell P. Healy  
 Alfred Himes  
 Nathan Hall  
 Jones Hunt  
 Daniel Holmes  
 Benjamin F. Herrick  
 George Herrick  
 William R. Harvey  
 Samuel Havens  
 Caleb M. Horton  
 Moses Hawkins  
 Thomas M. Hawkins  
 David S. Headley  
 Leonard Hill  
 Henry S. Hutchins  
 Stephen Hall  
 Avery M. Horton  
 William F. Hammond  
 Arnold C. Hawes  
 Theodore Horton  
 Theodore Hutchins  
 William Hidden  
 Samuel E. Hills  
 Thomas D. Hudson  
 Herman Hartwell  
 Peleg Hull  
 Cyrus Handy  
 William W. Hoppin  
 David M. G. Hamilton  
 Geo. W. Ingalls  
 Elkanah Ingalls  
 Lewis L. Ingalls  
 Richard T. Irons  
 Oliver Johnson  
 John L. Johnson  
 Richard W. Jackson  
 Job F. Knight  
 James S. Kimball  
 Shepard C. Kingsley  
 William W. Keech  
 John C. Keep  
 Charles S. Lawrence  
 John S. Lawrence  
 Judah C. Lyon

Christopher P. Lillebridge  
 Alexander Lake  
 Henry S. Latham  
 Barney Leonard  
 John Lassell  
 Joseph Luther  
 Edwin H. Leonard  
 Alexis Ladd  
 Stephen A. Lockwood  
 Henry D. Lyon  
 Bowers Lewis  
 Henry H. Lassell  
 Albert Lockwood  
 Henry G. Luther  
 Seth Lee  
 John Lyscomb  
 Joseph Low  
 Edward Lynch  
 John H. Lockwood  
 John A. Littlefield  
 James Luther  
 Robert Manchester  
 Robert Manchester, jr.  
 Alexander Manchester  
 James Manchester  
 Horace A. Manchester  
 Thaddeus Manchester  
 Jeremiah Mathews  
 William Moore  
 John Meriwether  
 James P. Muncy  
 Nathaniel Monroe  
 John H. Morris  
 Peter McSourley  
 Samuel M. Millard  
 William H. Miller  
 John McBride  
 Edward McKenna  
 Joseph B. Mathewson  
 William J. Miller  
 Reuben Mowry  
 Nathan F. Mathewson  
 Avery Moulton  
 M. B. Mead  
 John McKenna  
 Nelson H. Mowry  
 Henry McNeil  
 Pardon Mason  
 Coomer E. Mason  
 Michael McKenna

## PROVIDENCE—FOURTH WARD—Continued.

Edward McKraken  
 Charles B. Morton  
 Peter Mullen  
 Daniel Mathewson  
 Orson Moffitt  
 Christopher C. Najac  
 Lewis Najac  
 Borden A. Norton  
 Walter Newell  
 Paul S. Niles  
 Merrick Nichols  
 Richard Nichols  
 Ebenezer Newell  
 Jesse N. Olney  
 John W. Oldham  
 Lewis P. Parlin  
 Benj. Peck  
 Benoni Pierce  
 Aldrich Payne  
 Perry Pearce  
 Joseph E. Potter  
 John W. Potter  
 Squire Pearce  
 Nicholas Peckham  
 Cyrus Pierce  
 Wm. J. Peasely  
 Edwin Pearce  
 Dexter Pearce  
 Dexter H. Pearce  
 John F. Pratt  
 Daniel T. Penniman  
 Jeremiah Peckham  
 Samuel Potter  
 Geo. W. Peck  
 John Perrin  
 Ashiel Pearce  
 Avery Pettis  
 Stephen Pearce  
 Levi Parker  
 Barnard Pearce  
 Nath. Polly  
 Thos. S. Paine  
 Ebenezer N. Padelford  
 Abm. Paine  
 Stephen A. Phillips  
 Lyman W. Perkins  
 Darius Phillips  
 Silas Peckham  
 Stephen Phillips  
 William F. Preufert

Luther Pierce  
 John Prentice  
 John Penno  
 Joseph Remington  
 Jeremiah Remington  
 John E. Risley  
 Joseph G. Reynolds  
 Salmon Rugg  
 Seth M. Rounds  
 Martin Ryan  
 Horace Read  
 John V. Rolph  
 Wm. H. Russell  
 James H. Shaw  
 Simeon Shearman  
 Joseph Simmons  
 Perez Simmons  
 Michael Sisson  
 Mathew Sweet  
 Harvey Scott  
 Charles Smith  
 Seth Simmons  
 James Sawyer  
 Thomas G. Stoddard  
 Geo. W. Spink  
 Albert G. Sprague  
 Charles J. Shelley  
 Wm. Sampson  
 Job S. Stanley  
 Edwin S. Stanley  
 Thos. W. Sampson  
 Charles D. Shed  
 Amos M. Southwick  
 Wm. Spencer  
 Stephen L. Shearman  
 Benj. C. Simmons  
 Nathan Simmons  
 Sam. Stow  
 James Salisbury, jr.  
 Geo. S. Slocum  
 Chas. Sisson  
 Seth Spooner  
 Wm. Simons, jr.  
 Samuel Sanford  
 Solomon Seacles  
 Peleg Seymour  
 Thaddeus S. Simmons  
 Samuel S. Stow  
 Artemus Staples  
 Ara H. Simmons



## PROVIDENCE—FOURTH WARD—Continued.

Douglas T. Seamans  
 James H. Stow  
 Harvey Searle  
 Gideon A. Smith  
 Rowse W. Spencer  
 Wm. Simons  
 Edward S. Simons  
 John B. Sweet  
 Aaron Simons  
 Edward H. Simons  
 Joseph F. Stow  
 Hezekiah Sabin, jr.  
 James Smith  
 Charles Smith, 2d  
 Lemuel B. Shepard  
 Jeremiah Studson  
 Albert M. Shaw  
 Dennis Sawyer  
 Elias Smith  
 Darius Sessions  
 Benj. Stephens  
 Sam. Thurber  
 Stephen G. Thurber  
 Enos Tucker  
 Wm. Talbot  
 Charles Town  
 Edward M. Tyler  
 Wm. Thompson  
 Benj. T. Turner  
 Sam. S. Taber  
 Andrew Thompson  
 Charles Tourtellot  
 Henry Tanner  
 Horace Thompson  
 Daniel M. Tyler  
 Phillips Tillinghast  
 Henry H. Trueman  
 Pardon Taber  
 Solomon Tyler  
 Sam. J. Townsend  
 Abm. Taber  
 Joseph A. Tibbetts  
 Henry G. Taber  
 Nathan Trueman  
 Samuel S. Thurber  
 Wm. R. Tower  
 Lewis Thomas  
 Chas. G. Taft  
 Harvey Towner

John S. Thurston  
 Wm. P. Taft  
 Patrick Tracey  
 Otis R. Tingley  
 Joseph Vose  
 Nath. R. Wright  
 Sam. Wilbur  
 Wm. B. Wilcox  
 Esek Williams  
 Tobias L. Warner  
 Jonathan M. Wheeler  
 Samuel Whipple  
 James M. Warner, 2d  
 Prelett Wilbur  
 Reuben Wright  
 Henry E. Whipple  
 Albert Wescott  
 Charles T. Weinz  
 Thomas M. White  
 Oliver Waterman  
 James M. White  
 Jabez C. Wright  
 James Walford  
 John Whittemore  
 Wilbur Wheaton  
 James Wilson, 2d  
 Ozias Willard  
 Wm. H. Wood  
 Zephaniah Word  
 Chas. A. Williams  
 Caleb Wescott  
 Alex. Walford  
 Amos M. Warner  
 John West  
 Leander M. Wail  
 John G. Whipple  
 James Wescott  
 Benj. White  
 Preston E. Williams  
 Amos A. Walker  
 Henry Williams  
 Sam. Young  
 Sheldon Young  
 Edward R. Young

Freeman - - - 112  
 Non-freemen - - - 357

Total - - - 499

## PROVIDENCE—Continued.

## FIFTH WARD.

Samuel R. Williams  
 Peleg Johnson  
 Benajah C. Warner  
 Octavian Rice  
 Richard S. Dawley  
 Peleg Dawley  
 Josiah Jones  
 Franklin Cooley  
 Palmer Simmons  
 Joseph D. Benton  
 Philip B. Stiness  
 James M. Shaw  
 Peleg Hull  
 Henry B. Winslow  
 George R. Walker  
 Nelson Hopkins  
 George Sanford  
 Daniel W. Young  
 James H. Sweet  
 Ezra B. Viall  
 Israel A. Tripp  
 Wm. W. Brown  
 Peleg W. Gardner  
 Horatio R. Clarke  
 George Gardner  
 Caleb R. Barney  
 James G. Daggett  
 John J. Bent  
 Henry E. Branch  
 Joseph Davis, jr.  
 Nath. G. Winslow  
 Smith Potter  
 David Parmenter  
 Benj. Arnold, jr.  
 Hezekiah Willard  
 John S. Allen  
 Nicholas R. Arnold  
 Geo. W. Horn  
 Asa H. Tilley  
 Peleg A. Sanford  
 James Howard  
 Geo. A. Miller  
 Hiram Chappell  
 Joshua Brown  
 Robinson Monroe  
 Amos Fletcher  
 Ephraim Richmond  
 George Morse

Harris J. Mowry  
 John Eddy  
 Henry D. Davis  
 Geo. Fabyan  
 Cornelius T. Allen  
 John W. Child  
 Daniel E. Carpenter  
 Jeremiah W. Anthony  
 John C. Davis  
 Henry Luther  
 Emery Willard  
 Simon D. Glines  
 John Andrews  
 John Warner  
 Martin Grant  
 Joseph R. Hood  
 Wm. Pitcher  
 Geo. N. Olney  
 Humphrey Almy  
 Jonathan R. Snow  
 Seth Walker  
 Horatio Viall  
 Owen Weaver  
 Daniel G. Shearman  
 Alfred S. Buffington  
 Asa H. Pease  
 Thomas Hathaway  
 Luke Hazard  
 Rufus Reed  
 Benj. Pidge  
 John Budington  
 Wm. A. Potter  
 Wm. Gould  
 Benj. Peckham  
 Sam. Hawes  
 Azariah Smith  
 Paul Dexter  
 Arnold Peters  
 James D. Mason  
 Wm. Dee  
 Daniel Remington  
 Daniel Smith  
 Richard Hazard  
 Thomas W. Greene  
 John Dougherty  
 Philip Marks  
 Gorton B. Randall  
 Henry E. Talman

## PROVIDENCE—FIFTH WARD—Continued.

Joseph C. Miller  
 James Lewis  
 Asa N. Greene  
 James Hazard  
 Calvin Wesson  
 Pardon Goff  
 William H. Cobb  
 Alpheus B. Southwick  
 Nathaniel Long  
 John Donald  
 Champlin R. Browning  
 Thomas G. Daggett  
 James S. Williams  
 Sylvester G. Hazard  
 James H. Butler  
 Thomas T. Tift  
 Ellery Allen  
 Charles Armington  
 Benjamin H. Thurston  
 William P. Patt  
 William M. Ryan  
 Amon R. Thurston  
 William W. Knight  
 Josiah F. Everett  
 Edmund H. Angell  
 William L. Ellis  
 William A. Bradley  
 Isaac Field, *grand juror*  
 Nicholas Rogers  
 George W. Page  
 William W. Gunnell  
 Otis P. Hicks  
 John H. N. Gardner  
 Nathan M. Blake  
 Amasa H. Slocum  
 Sylvester Lewis  
 Isaac Field, jr.  
 Edward Tipson  
 William G. Bullock  
 Sayles Irons  
 Benajah Warner  
 Thomas G. Howland  
 Samuel Lewis  
 Ephraim Haswell  
 Albert Cleaveland  
 Nicholas Briggs  
 Fisher A. Cleaveland  
 Jonathan Barlow  
 Horner P. Hunt  
 Thomas Barnes

Warren E. Messenger  
 Homer B. Whipple  
 John O. Paine  
 Thomas N. Smith  
 Eli Messenger  
 Henry Battey  
 Calvin Whipple  
 Halsey Ellis  
 Newman Thurber  
 Samuel F. Merriam  
 Elisha Padelford  
 Ebenezer Ladd  
 Benjamin F. Pierce  
 Lewis Prentice  
 Henry A. Bosworth  
 Samuel Haswell  
 Augustus K. Tallman  
 James G. Brown  
 Horace Weatherhead  
 William Gonsalve  
 James Wilson  
 William Worrall  
 Chester Fay  
 Edward Balcome  
 Gideon Congdon  
 Orana W. Prince  
 Champlin Lyon  
 Thomas G. Butler  
 Resolved W. Cady  
 Peleg Hull, 2d.  
 George W. Brown  
 Seth B. Rounds  
 Edwin Smith  
 Wm. H. Gale  
 Wm. H. Wood  
 Ezekiel Potter  
 Warren Congdon  
 Nathan Weaver  
 Charles Trescott  
 George A. Jenckes  
 Luke Mowry  
 Newton O. Whipple  
 William Winslow  
 Robert Miller  
 Stephen Brownell  
 Robert Grinnell  
 John Wilbur  
 Patrick Winters  
 Edward B. Jenckes  
 William A. Carpenter



## PROVIDENCE—FIFTH WARD—Continued.

Albert T. Remington  
 Dexter Hathaway  
 Enos A. Cooke  
 O. F. Dutcher  
 Welcome Arnold  
 William S. Young  
 Lucian B. Kendall  
 John Spencer  
 John B. Wood  
 Andrew Johonnot  
 Isaac Field  
 T. A. Chace  
 Thompson Newbury  
 Charles Warren  
 Horace Ray  
 John E. Tourtellot  
 L. W. Cooper  
 Lindamon H. Orins  
 Rufus B. Briggs  
 Stephen Moss  
 John Allen  
 William Belcher  
 James Knox  
 William P. Gray  
 Edward Bowers  
 Abraham S. Gladding  
 Experience S. Barrows  
 Daniel A. Brown  
 Joseph A. Waite  
 Henry Lord  
 John H. Mason 2d  
 Christopher C. Potter  
 Arthur M. Potter  
 Charles Burnett, jr.  
 Philip M. Fisk  
 William H. Mann  
 Peleg C. Sanford  
 William T. Swarts  
 Ephraim Gifford  
 Charles Battey  
 William D. Butts  
 Lewis W. Varrin  
 John Springer  
 Nicholas Medbury  
 Horace M. Brown  
 James Trafton  
 William Bushee  
 John Dean  
 William H. Potter  
 James Heany

Horace T. Briggs  
 Franklin Oldes  
 George W. Branch  
 Mason R. Pierce  
 Abraham H. Stillwell  
 Henry Albro  
 John Emerson  
 Marvin Andrews  
 Samuel Warner  
 Elisha M. Warner  
 Loring W. Nye  
 Walter E. Gardner  
 John M. Scott  
 Elijah White  
 Otis Taber  
 Asel B. Colwell  
 David Hicks  
 Henry C. Westcott  
 Joseph D. French  
 William Blaisdell  
 Daniel Champlin  
 Timothy Munyan  
 Charles A. R. Pierce  
 John Jackson  
 Samuel Wesson  
 Hugh McCafferty  
 Seabury Manchester  
 Joseph L. Sanders  
 Joseph W. Sanders  
 Jeremiah Child  
 James Randall  
 Richard Burke  
 Asahel Herrick  
 William L. Branch  
 Rufus A. Peck  
 Arnold W. Spencer  
 George N. Gilmore  
 James P. Sisson  
 George Burr  
 Henry B. Eddy  
 Richard Salisbury  
 Jeremiah P. Pearce  
 Isaac Saunders  
 Albert W. Tripp  
 Jonathan Freeborn  
 William Gardner  
 James C. Burke  
 Josiah Wardwell  
 Major Tripp  
 John Sanders

## PROVIDENCE—FIFTH WARD—Continued.

Horatio Brown  
Benjamin Willoughby  
Albert Fuller  
Richard W. Dexter  
Lewis Streeter  
Welcome W. Pitcher  
John S. Eddy  
William Burr  
Joseph Ashley  
Nathaniel Knight  
James Tucker  
Mark A. Heath  
Oliver H. P. James  
Alfred B. Lewis  
William H. Coins  
Remember Ingraham  
James D. Carr  
Lewis Carr  
Daniel C. Beetle  
William P. Tanner  
Charles T. Allen  
Lyman J. Arnold  
Martin Fisk  
William C. Johnson  
Lemuel Wyatt  
William H. Murray  
Solomon D. Walker  
John S. Rice  
Lewis S. Towne  
Alexander Albertson  
Thomas Pierce, jr.  
Rufus Phelps  
Stephen Cornell  
William Loring  
Lorenzo Logee  
Charles Sanger  
James C. Hidden  
James Winsor  
Asarelah Harris  
David Porter  
James M. Sanders  
Francis C. Curtis  
William Hazard  
Elijah B. Newell  
William Spencer  
Samuel F. Knowley  
Abraham S. Gladding  
John J. Smith  
Carr Lawton  
George W. Murray  
John L. Canady

Samuel Robinson  
Charles Davis  
John White  
Milton Hodges  
John Hunt  
Calvin Harding  
William H. Dyer  
Edwin Burnham  
Edward Burr  
Alden Pabodie  
Francis Crowell  
Samuel Reynolds  
Gardner T. Swartz  
Benjamin Foster  
George A. Taylor  
Jacob Symonds  
John A. Jastram  
Henry Cutting  
Immanuel Searle  
William Nye  
Freeborn Johnson  
Watson Andrews  
Joseph Burke  
Augustus Codding  
Joseph Chase  
Augustus Wood  
William Daruley  
Ebenezer B. White  
Daniel Allen  
Stephen S. Allen  
Thomas Barstow  
John Springer  
Gilbert Sheldon  
Aaron Davis  
Ingoldsby Work  
George W. Young  
John Perkins  
Joseph Chappell  
Oliver Jenkins  
William Atwood  
Rasselas M. Chapin  
Adnah Sacket  
William Rider  
George W. Babcock  
Dexter Hall  
Warren Wood  
Oliver C. Moulton  
Richard S. Moulton  
James H. Hook  
James Burgess  
Daniel Hull

## PROVIDENCE—FIFTH WARD—Continued.

Edward Harris  
 Increase Sumner  
 Gardner G. Wood  
 James Shearburn  
 Fenner Williams  
 William Hull  
 John Douglas  
 George Wood  
 Henry M. Phetteplace  
 Gilbert Luther  
 Walter Collins  
 Nathan Crowell  
 Henry C. Johnson  
 Seth Darling  
 Anthony Hazard  
 Franklin Pearce  
 Albert G. Coffin  
 Jabez R. Arnold  
 Allen Brown  
 Henry Studley  
 Philander White  
 Horace B. Peck  
 Thomas Brownell  
 Joseph Davis  
 Gardner Salisbury  
 Henry Sherburne  
 Charles Mills  
 Chauncy Himes  
 Oliver Wicks  
 Hezekiah Allen, jr.  
 James W. Paine  
 Erastus Edwards  
 Horace Edwards  
 William J. Curtis  
 Henry H. Jones  
 George W. Snow  
 Alfred Randall  
 James Arnold  
 James G. Rawson  
 Ebenezer Carpenter  
 John Anthony  
 Roswell R. Rickard  
 John H. Bullock  
 Jedediah B. Fuller  
 Henry A. Nye  
 Isaac S. Batley  
 George B. Holmes  
 William Salisbury  
 Horatio Burke  
 Allen G. Case

Stephen Russell  
 Ralph Mowry  
 Thomas Reynolds  
 John Pearson  
 Jeremiah Woodmancy  
 Harris Searle  
 Richard W. Liscomb  
 Welcome Miller  
 Horace C. Burgess  
 Charles Hix  
 Ira Grant  
 Benjamin Smith  
 John Harman  
 Sylvester Salisbury  
 David King  
 Hamilton Warren  
 John W. Field  
 John Laha  
 Gideon Edwards  
 Nathan'l N. Carpenter  
 William J. F. Underhill  
 William F. Kent  
 Joseph Pitman  
 Francis Stoddard  
 Arnold Matthewson  
 William P. Rodgers  
 Peleg Bowen  
 William G. Hodges  
 Edward Billings  
 Daniel Brown  
 Thomas Luther  
 Nathan Gorton  
 George W. Crocker  
 Franklin Maguire  
 Albert Hicks  
 Nathaniel Stephens  
 William Jones  
 Francis Talbot  
 Samuel G. Anthony  
 Jonathan Green  
 William Field  
 Stephen Branch  
 Ebenezer F. Barnard  
 Robert K. Field  
 Joseph Manchester  
 Levi Salisbury  
 William N. Dewey  
 Daniel H. Leonard  
 Robert Whipple  
 Taylor R. Brattin



## PROVIDENCE—FIFTH WARD—Continued.

William W. Heath  
 William Valley  
 John B. Merriam  
 Job Cornell  
 Alfred Spink  
 Alpheus J. Snow  
 Horatio N. Pierce  
 Eben Simmons, jr.  
 Willard Johnson  
 Olney Read  
 Richard M. Field, jr.  
 William Maxwell  
 Hiram Kendall  
 Samuel Boyd  
 William B. Lawton  
 Rodolphus Jenney  
 Thomas B. Snow  
 Simeon Field  
 Christian M. Nestell  
 Benjamin Arnold  
 Ray Clapp  
 Amos Whitney  
 John G. Pettis  
 Joseph G. Snow  
 Calvin Topliff  
 Samuel P. Crins  
 Harvey Tillinghast  
 John Reeve  
 John W. Greene  
 Elijah Pomroy  
 Spencer Pease, *grand juror*  
 Riley Scott  
 Stillman Rand  
 John W. Freeman  
 Nathan B. Fenner  
 Bernard Clarke  
 John C. King  
 James M. Whiting  
 John G. Childs  
 William G. Percival  
 David C. Keep  
 Robert W. Potter  
 William Taylor  
 Thomas Taber  
 John Dee  
 John S. Brown  
 Charles Wescott  
 Joseph H. Snow  
 Samuel Sawyer  
 Henry Braman

Alfred D. Chace  
 Wheaton Burgess  
 Bradford C. Shaw  
 William D. Guile  
 Charles V. Merrick  
 Francis Read  
 Samuel S. Brown  
 Samuel G. Rawson  
 John Clemmons  
 Archibald Dalrymple  
 John F. Greene  
 Arnold Irons  
 Henry D. Smith  
 James C. Bucklin  
 C. B. Manchester  
 Jesse A. Healey  
 William H. Hathaway  
 William Ross  
 Benjamin G. Snow  
 Joseph West  
 Job L. Pratt  
 Benjamin Kendall  
 Edward Salisbury  
 Zach. R. Tucker  
 Eseck T'allman  
 Samuel Currie  
 Jacob Manchester  
 Lewis Field  
 Edwin B. Eddy  
 Charles Harding, jr.  
 Emanuel Suesman  
 Gideon Waite  
 Thomas Goodman  
 Allen F. Manchester  
 Edward R. Mitchell  
 Samuel Pearce  
 John H. Bentley  
 Ezra Luther  
 Alpheus Billings  
 Ezra Baker  
 Charles Read  
 Ebenezer Kingsbury  
 William B. Dean  
 Chancy Marble  
 Amos W. Snow  
 James A. Eddy  
 Ira H. Chase  
 Albert H. Manchester  
 Thomas J. Wardwell  
 Benjamin H. Salisbury

## PROVIDENCE—FIFTH WARD—Continued.

John W. Butts  
 Joseph W. Davis, *grand juror*  
 Gardner Luther  
 William Rhodes  
 Thomas Boyd  
 Benjamin Ham  
 Edmund J. Ham  
 Job Andrews  
 John Taylor  
 George T. Thorp  
 Alfred H. Barker  
 Hanson H. Thomas  
 Henry A. Hidden  
 Daniel Perrin  
 Edwin Barstow  
 Nicholas B. Gladding  
 Samuel James  
 Reuben Glover  
 William R. Ballantyne  
 Ezra Miller, jr.  
 Nathaniel B. Horton  
 Pardon S. Pearce  
 John H. Madden  
 Francis McGown  
 Patrick McLaughlin  
 Henry H. Young  
 Amos Horton  
 Francis Tallman  
 Henry S. Hazard, *grand juror*  
 Horace Gray  
 Emerson Tower  
 John Holden  
 Thomas Doyle  
 William Bowers  
 William Andrews  
 Charles H. Childs  
 Jarvis E. Gladding  
 James Martin  
 Daniel Martin  
 Thomas Snow  
 Leander Utley  
 Alvin B. Robbins  
 George Woodward  
 Eben Simmons  
 Daniel Snow  
 Samuel Snow  
 Anson Cole  
 Thomas Harrington  
 George W. Anthony  
 Earle Carpenter

Leonard C. Marble  
 Eliphalet S. Fulson  
 George D. Lawton  
 Henry Luce  
 John Congdon  
 Loring W. Cady  
 Cyran A. Carpenter  
 George Duckworth  
 John F. Trescott  
 Edward Field  
 Charles N. Esbeck  
 Henry D. Martin  
 Amos R. Turner, *rev. pensinner*.  
 Dutee Arnold  
 Samuel Gray  
 J. Stoddard  
 Bernard O. Rourke  
 Richard Kelpy  
 Samuel S. White  
 Josiah Cady  
 John Humphrey  
 Benjamin Davis  
 Job Winslow  
 Robert Welsh  
 Charles F. Brayton  
 Horatio L. Holmes  
 Edwin Tallman  
 John Entwistle  
 William A. Wiley  
 Jeremiah Ellis  
 Fitch M. Parker  
 Abner A. Cornell  
 Thomas Taber  
 Benjamin H. Sanders  
 Aaron Turner  
 Smith Brown  
 Jesse Battey  
 Hiram Fuller  
 Robert Shearman  
 William Johnson  
 Hazard D. Slocum  
 John M. James, jr.  
 Samuel Maccomber  
 Jabez Williams  
 George W. Gladding  
 Benjamin P. Wood  
 John S. Gladding  
 Royal Belden  
 George S. Steere  
 Christopher Briggs

## PROVIDENCE—FIFTH WARD—Continued.

Edwin Pidge  
 Moses Hall  
 Willet Potter  
 Charles G. Stafford  
 Edwin B. Bohnzerrioz  
 Robert Laird  
 Francis Laird  
 Freeman Bigelow  
 Henry H. Parker  
 Thomas Sears  
 Solomon Arnold  
 Oliver Gorton  
 Benjamin E. Carpenter  
 Jonathan P. Helme  
 Henry Brayton  
 William W. Thurston  
 Albert Harrington  
 David Dee  
 James Hibert  
 James Payton  
 Osborn S. Warren  
 William P. R. Benson  
 John T. Rice  
 Horatio Budlong  
 Benjamin Wilson  
 Stephen Perry  
 Samuel S. Partridge  
 James Barber  
 Silas Sekell  
 Archibald Kenyon  
 James Hall  
 John A. Moseley  
 John Greene  
 Robert S. Babcock  
 Silas Weston  
 Roswell R. Brown

Charles V. Tallman  
 Jeremiah Williams  
 John Colford  
 John H. Langley  
 William A. Wardwell  
 Stephen Arnold  
 George J. Prentis  
 Richard Barnes  
 Maurice A. Heferren  
 William Newell  
 Amasa Humphrey  
 Jabez Thurston  
 Frederick H. Smith  
 John Carpenter  
 Hezekiah Anthony  
 Chace Lewis  
 Isaac Wilcox  
 Joel P. Jenckes  
 Apollos Sekell  
 William D. Snow  
 F. F. Foster  
 Moses Healey  
 George B. Luther  
 Daniel Brown  
 John Wardwell  
 John P. Hazard  
 George Cook  
 Francis Hearney  
 Joseph Belcher

Freeholders,	248
Non-freeholders,	515
Total,	<u>763</u>

## SIXTH WARD.

*Non-freeholders.*

Eli Haskell  
 Joseph Johnson  
 Henry L. Wilson  
 James D. Vaughn  
 Jeremiah A. Sheldon  
 Orrin A. Capron  
 Mowry Lovell  
 Elisha K. Waterman  
 Barton K. Taylor

Russell Parker  
 William F. Ayer  
 James Barnes  
 William H. Hopkins  
 Palmer Fanner  
 Thomas R. Fenner  
 David Cady  
 Samuel Carpenter  
 Nathaniel Robbins  
 Dexter B. Carpenter  
 William W. Babcock



## PROVIDENCE—SIXTH WARD—Continued.

Alfred Burke  
 Kinsman Hart  
 Artemas H. Parker  
 John Stevens  
 Benjamin B. Chace  
 Benjamin R. Dawley  
 Philander Barney  
 Isaac Peckham  
 Henry Hillman  
 John S. Barnard  
 Anthony Hathaway  
 Daniel T. Hubbard  
 Leonard Horton  
 G. W. Hubbard  
 Ichabod Potter  
 Henry C. Potter  
 Robert B. Searse  
 Richard Stone  
 R. C. G. Spooner  
 Esek Stone  
 David N. Rickard  
 Christy Potter  
 Milton Cady  
 Asa W. Davis  
 John P. Dunham  
 Stacy W. Remington  
 Benjamin G. West  
 Charles Williams, jr.  
 John Branch  
 Samuel French  
 Edwin Field  
 Samuel C. Greatrakes  
 Ezra Gowing  
 William H. Gilmore  
 Josiah R. Pierce  
 Nathaniel R. Paine  
 Stephen G. Williams  
 Earl Potter  
 Francis D. Brickley  
 Lorenzo D. Littlefield  
 Jeremiah S. Barret  
 Elisha Tripp  
 Gamaliel Collins  
 Dana Lyon  
 Samuel P. Eldridge  
 Frederick H. Clarke  
 Cashel F. Corey  
 Stukely Johnson  
 George S. Wescott  
 Joseph G. Johnson

Samuel Hedley  
 Daniel Heath  
 Stephen A. Stone  
 Stephen H. Cobb  
 William H. Chappel  
 Noadiah J. Stone  
 Otis Cook  
 William J. Brownell  
 Stephen Colwell  
 George S. Thompson  
 Olney Logee  
 Ephraim Martin  
 John Mitchell  
 Ira Johnson  
 Stephen A. Hayward  
 George R. Gage  
 John F. Brown  
 Nicholas W. Johnson  
 Lewis J. Lamphere  
 John S. Weeden  
 George H. Talbot  
 Bowen Pierce  
 Henry A. Luther  
 John H. Dorrance  
 Joshua Hathaway  
 Samuel Durfee  
 John A. Mason  
 Asa C. Newton  
 George J. Crosswell  
 Israel Orswell  
 James Burlingame  
 Melville Hopkins  
 James M. Shelley  
 Charles E. Randall  
 Richard M. Allen  
 Abraham H. Padelford  
 Francis P. Haynes  
 Chester Clack  
 Luther Buffington  
 Lawson Taylor  
 William A. Anthony  
 Charles R. Cooke  
 Benjamin F. Dustin  
 Daniel Rice  
 John Hagan  
 Lucius Weaver  
 Thomas E. Shearman  
 Charles G. Stone  
 Darius Angell  
 William H. Bennett

## PROVIDENCE—SIXTH WARD—Continued.

Thomas H. Burke  
Benoni Phillips  
Caleb Mosher, jr.  
Henry Porter  
Isaac N. Hallet  
Pardon H. Manchester  
Peleg H. Barnes  
George Burgess  
Reuben Weaver  
John Read, jr.  
Daniel N. Phillips  
Fitz James Rice  
Micajah C. Rice  
William P. Oldridge, jr.  
Samuel Oldridge, jr.  
Benjamin Sarle  
Miles B. Lawson  
Thaddeus Reynolds  
Thomas W. Sprague  
Ellery Bentley  
George N. Briggs  
Willard Eddy  
Timothy B. Chedell  
William Johnson  
John M. Freeman  
Hazzard D. Reynolds  
Daniel Angell  
Benjamin Grant  
Richard M. Cornell  
Waterman Irons  
John Crandall  
John W. Sprague  
Edmund A. Nichols  
Burrill Arnold  
Edward C. Wade  
Horatio N. Williams  
William Culverson  
Walter Jackson  
John Eviston  
Abram Aldrich  
Thomas Wensor  
David Andrews  
Ebenezer R. Morton  
Calvin L. Nye  
Paris Parker  
Henry Snow  
James M. Fenner  
Robert Pettis  
James G. Rounds  
Thaddeus Winship

Oliver P. Tanner  
Otis W. Everett  
Henry D. Coggeshall  
Lawson Gale  
William H. Barney  
Benjamin Miller  
George S. Tapley  
William Keep  
David Jackins  
Francis Salmon  
Lewis Bosworth  
Albert C. Allen  
Silas M. Field  
Apollos Richmond  
Nathaniel G. Titus  
George Trafton  
Jeremiah Knight  
William H. Luther  
John A. Durfee  
Amos Jillson  
James H. Nichols  
Henry H. Graves  
Benjamin T. Slocum  
James A. Smith  
Benjamin Balch  
Robert Wilson  
Samuel Tweed  
Edward Burrows  
George A. Harris  
David Fitts  
Stephen Simmons  
Davis E. Burke  
Anthony Mason  
Gideon S. White  
Stanley Carter  
Daniel Round  
John A. Aldrich  
Seth Hathaway  
Thomas E. Hudson  
Simon Winsor  
Henry G. Day  
Stephen Crary  
George A. Willard  
George W. Morse  
Addison Livermore  
Benjamin Hoar  
Pliny E. Capron  
Pardon M. Stone  
Dexter Pierce  
Jaspar Davison

## PROVIDENCE—SIXTH WARD—Continued.

Chester Davison  
 George Gilbert  
 Otis N. Pierce  
 Elijah Pomeroy  
 Amos Whitaker  
 David A. Mathewson  
 Nicholas C. Hudson  
 Henry S. Cartee  
 Horatio Hunt  
 Henry Parkhurst  
 Amos Smith  
 Henry Waterman  
 Gardner Williams  
 Job Angell  
 Isaac Sisson  
 Aldana Lyons  
 John C. Steere  
 Samuel T. Moore  
 Jeremiah Mathews  
 Ellis B. Pierce  
 David W. Pettey  
 Bradford N. Mathewson  
 Aaron Gates  
 Daniel K. Chaffee  
 James Sheldon  
 Samuel Hudson  
 Charles T. Dunham  
 Sessions Smith  
 Benjamin Burrows  
 Caleb Mosher  
 James Day  
 Leveret Sprague  
 Joseph B. Sanford  
 Milton Cady, jr.  
 Thomas Aylesworth  
 Nathan P. Luther  
 Sylvester E. Kelley  
 Abram Chace  
 Edward Ellsbree  
 Erdix T. Swift  
 George Williams  
 Thomas Williams  
 Charles Bacon  
 Royal A. Webster  
 Franklin W. Cooke  
 Joseph W. Chadbourn  
 Daniel McIntosh  
 George Chedel  
 Nehemiah Davis  
 Samuel Cooke

Walter Greenwood  
 Alfred W. Fisk  
 Amos B. Bunnell  
 Harvey Nichols  
 Sanford Chace  
 William G. Hathaway  
 William Springer  
 John G. Vallett  
 Joseph W. Field  
 Clark Cundell  
 Christopher C. Taber  
 John B. Wade  
 Welcome Arnold  
 Ira Blackman  
 Isaac R. Burlingame  
 John Fagan  
 Nathaniel Burgess, jr.  
 George R. Coggeshall  
 Benjamin W. Remington  
 Jeremiah D. Card  
 Horatio N. Carpenter  
 William S. Davis  
 Samuel N. Warner  
 Horton Kelley  
 Lemuel M. Smith  
 Allen Chilson  
 Edward Dennis  
 Thomas J. Monro  
 William Davis  
 Ira Mathewson  
 Caleb Mathewson  
 Nathan B. Goff  
 Joseph Hicks  
 Arnold Saunders  
 Cyreen Paine  
 Alexander W. Fenner  
 Edward O. Lawrence  
 James E. Brown  
 Caleb Coggeshall  
 Henry Bunnell  
 Alfred B. Burdick  
 Daniel Saunders  
 William Monro  
 Daniel K. Gardner  
 Warren Haskell  
 Thomas W. Manchester  
 Dexter S. Cooke  
 John Clark  
 Lyman Cargill  
 Benjamin B. Burgess



## PROVIDENCE—SIXTH WARD—Continued.

John Baggs  
John T. Thurston  
Edward Phillips  
Benjamin T. Chedel  
James Jennings  
Joseph Paine  
Benjamin Brownell  
William Whitman  
Welcome Ide  
Augustus Smith  
William B. Henshaw  
Calvin Wilbur  
Cyrus W. Johnson  
John H. Donahue  
William P. Brightman  
Ebenezer B. Sowden  
Loring Hoyle  
William Brown  
William J. H. Tucker  
Timothy Shedd  
Franklin Rand  
John Peeham  
William N. Douglas  
William Mathewson  
Allen Luther  
Thomas P. Shearman  
George Horton  
Jonathan Jenks  
Peleg Shearman  
Robert Markham  
George W. Springer  
Smith Farnham  
Caleb S. Pierce  
Salisbury Peck  
Nathaniel Penno  
Cyrus W. Brewer  
James R. Hodges  
Benjamin Martin  
William Clarke  
James M. Hudson  
Lloyd B. Paine  
Seth Baker  
Joseph C. Humphreys  
Artemas Raymond  
Enos H. Weeden  
William T. Butts  
Smith W. Arnold  
Henry Lawrell  
Dennis Lawrell  
Alden Isham

Charles P. Shelton  
Julius Jordan  
Thomas Nobles  
Arnold Rhodes  
Charles Saunders  
Horatio Vallett  
Alanson Carter  
William H. Lawrence  
William Parker  
John Branagh  
Daniel Tafferty  
Eben Norton.  
Sidney S. Clapp  
Truman Bowen  
Samuel A. Wightman  
Thomas T. Goff  
John Hazard  
James Allen  
Henry T. Franklin  
Samuel R. Thompson  
Otis Weaver  
Francis Cory  
Samuel Ashley  
Isaac Collins  
Olney Winsor  
Samuel B. Harris  
David Gale  
Owen Arnold  
Francis Eveleth  
James N. Hopkins  
Jesse Wood  
James W. Lock  
Noble T. Greene  
Brown Simmons  
Henry Allen  
William Burke  
James M. Peckham  
Joseph L. Dennis  
Calvin Wares  
John C. Hardenburgh  
Thomas M. Rounds  
Robert Newson  
Thomas Henry  
Thomas W. Eddy  
William Davenport  
John Nobles  
Charles Sheldon  
Samuel Sweatland  
Albert P. Ware  
Elah Beach

## PROVIDENCE—SIXTH WARD—Continued.

Daniel A. Whipple  
 Simeon Anthony  
 Joseph E. Chace  
 Samuel W. Anthony  
 John D. Henley, jr.  
 Wm. A. Williams  
 John H. Whipple  
 Robert Hazard  
 Benjamin Brown  
 Arnold H. Burlingame  
 Halsey Greene  
 Joseph W. Pierce  
 Wm. H. Slocum  
 Seth B. Cooke  
 Nicholas A. Fenner  
 James Bacon  
 Joseph V. Snow  
 Ariel B. Horton, jr.  
 Daniel C. Bowen  
 Samuel D. Allen  
 Jeremiah Bosworth  
 Samuel Woodbury  
 Wm. B. Davis  
 James A. McKenzie  
 John Taylor  
 John F. Pitts  
 John S. Peckham  
 Wm. K. Thurber  
 Samuel Oldridge  
 Wm. H. Stone  
 Samuel S. Ashley  
 Christopher Johnson  
 Ebenezer Robinson  
 Patrick Golden  
 George McGowen  
 John E. Brown  
 Garnett J. Burne  
 Stephen P. Collins  
 Henry P. Knight  
 Benajah Williams, jr.  
 Thomas Lee  
 George J. Ames  
 Cyrus Barney  
 John W. Ellis  
 Wm. Jackson  
 John V. Hill  
 John Taylor  
 Daniel Eaton  
 Benjamin F. Jones  
 Asa Cummings

Jeremiah Hammond  
 Thomas Smith  
 Amasa Slocum  
 Samuel Stone  
 John Shearman  
 James Gage  
 Peleg H. Congdon  
 Wm. N. Sprague  
 Lemuel Nichols  
 Jacob Garland  
 Abner Taylor  
 Ira Holloway  
 Isaac Randall  
 Aaron Paine  
 Darius Young  
 John Sweeny  
 Otis Walker  
 Wm. S. Manuel  
 Samuel Walker  
 George W. Frost  
 James D. Hubbard  
 Pierce Anthony  
 David C. Greene  
 Charles M. Ware  
 Daniel Randall  
 Francis Worth  
 Michael Noland  
 John Dowley  
 Stephen Drew  
 Francis Steere  
 Seth B. Cooke, jr.  
 Daniel Chace

*Qualified.*

John S. Harris  
 David P. Casswell  
 Samuel Hawkins  
 Benjamin Hopkins  
 Arnold Pooler  
 James G. West  
 Daniel Pettey  
 Hezekiah Smith  
 James H. Steere  
 John Luther  
 Nathaniel J. Rider  
 Samuel Monroe  
 Charles Williams  
 Edward G. Farmer  
 Stephen C. Kenyon

## PROVIDENCE—SIXTH WARD—Continued.

Samuel Clarke  
 Josiah J. Luther  
 Rhodes Allen  
 Benjamin B. Wood  
 James S. Hall  
 Richard Lake  
 Freeborn Johnson  
 Edward W. Nottage  
 Alfred B. Frink  
 Wm. S. Hunt  
 Reuben H. N. Bates  
 Thomas J. Capron  
 John Tillinghast  
 Joseph Tyler  
 John S. Tripp  
 Henry W. Olin  
 Levi Lewis  
 Sylvester Bowers  
 Elias Arnold  
 Arbro Anthony  
 Ransom Hicks  
 Thaddeus Curtis  
 Isaac Laha  
 William Olney, 2d  
 Thomas Chaffee  
 Charles Ellis  
 Wm. B. Preston  
 Samuel B. Durfee  
 Benjamin Orswell  
 Wm. C. Barker, 2d  
 Joseph A. Carr  
 Reuben Smith, jr.  
 Wm. B. Remington  
 Joseph Arnold, jr.  
 Bradford Allen  
 Whipple Phillips  
 John Proctor  
 John L. Snow  
 Caleb Cory  
 William Winsor, jr.  
 Samuel M. Dunham  
 Stephen Chace  
 Obadiah Easten, 2d  
 Stephen Barker  
 Halsey Wade  
 Gardner Vaughn  
 George Miller  
 James Harris  
 Emery Johnson  
 Peleg Andrews

Nathaniel Burgess  
 Thomas Yates  
 Job C. Eldred  
 Abijah B. Thomas  
 Thomas Walker  
 Calvin Tower  
 Nathan Thornton, jr.  
 Wm. B. Harris  
 Jeremiah Bagot  
 Abel Hopkins  
 Pasco Haynes  
 John M. Cargill  
 Joseph B. Harris  
 Sheldon Brown  
 Thomas Lincoln  
 George E. Blake  
 Joseph Colwell  
 Samuel Green  
 James T. Slocum  
 Rowse H. Dawley  
 Wm. J. Pabodie  
 John S. Parkis  
 Wm. H. West  
 William Hicks  
 Abm. Lucas  
 Stillman Perkins  
 Josiah H. Martin  
 Benjamin B. Knight  
 Wheaton A. Harrington  
 Ezra Tibbetts  
 William Randall  
 Charles Seamans  
 William Fenner  
 William P. Shaw  
 John Hopkins  
 Nathan M. Chaffee  
 George C. Bowers  
 Jacob C. Gould  
 Peleg Peck  
 Nathaniel Ingalls  
 Theodore D. Fenner  
 Rufus Blanchard  
 Samuel Kelley  
 John Field  
 Stephen Beverley  
 Edward Beverley  
 Otis Holmes  
 James Bowen  
 Jonathan Shearman  
 Charles D. Miller



## PROVIDENCE—SIXTH WARD—Continued.

Daniel Davis  
 Amos W. Olney  
 Sterry Kelley  
 William L. Thornton  
 Edmund Williams  
 Lorenzo E. Bowen  
 Nathaniel Rounds  
 Allen H. Rounds  
 Joseph Beverly  
 Albert G. Olney  
 Amos Fuller  
 Benoni Tyler  
 Seth Simmons, jr.  
 Samuel Harrington  
 William Seaver, jr.  
 Palmer Harrington  
 Jacob Bourne  
 William S. Spink  
 Almond Hopkins  
 Joseph C. Potter  
 Jonathan Wood, 2d  
 Dexter A. Edwards  
 Benedict H. Dawley  
 John W. Arnold  
 Jonathan Wade  
 Isaac Hedley  
 Alfred Lewis  
 Lewis Jones  
 Simon P. Shearman  
 Job F. Angell  
 Seth R. Shepard  
 Andrew Golding  
 Peleg C. Remington  
 Richard Beverley  
 Winson Angell  
 Sylvester R. Jackson  
 Stephen P. Henry  
 Ezekiel Angell  
 Warren G. Slack  
 John H. Watson  
 Joseph F. Gilmore  
 John Winship  
 Albert Corlis  
 Stephen Field  
 John A. Darling  
 Albert F. Evans  
 Elisha Evans  
 Samuel Arnold  
 William W. Arnold  
 Hiram Barker

Charles H. Pierce  
 Amasa R. Tourtellot  
 Jacob Monro  
 Joseph Sisson  
 Welcome Bussey  
 John R. Martin  
 John Barton  
 George W. Seamans  
 Charles F. Robinson  
 David Read  
 Abiel Sampson  
 Benjamin G. Teel  
 James P. Burgess  
 Richard M. Snow  
 Joshua Kimball  
 Henry Beverley  
 Nathaniel F. Potter  
 James W. Winson  
 John Beazley  
 Ira L. Beckwith  
 John Fisher  
 Nathaniel Eaton  
 William Beverley  
 Thomas R. Seamans  
 George W. Gilmore  
 William P. Olney  
 William A. Wood  
 Rufus Bowen  
 Henry Hill  
 Thomas Bowen  
 James W. Tibbetts  
 Caleb R. Nye  
 William H. Hathaway  
 John K. Lester  
 William Andrews, jr.

*By proxy.*

Samuel W. Brown  
 Thomas J. Sprague  
 Ephraim Martin  
 William H. Hudson  
 Joseph Robinson  
 Alexander Brownell  
 George L. Nottage  
 Addison Winch  
 Amos Young  
 John P. Hunt  
 William M. Bowen  
 Daniel Usher

## PROVIDENCE--SIXTH WARD--Continued.

Nathaniel Sweet  
 Elisha Paine  
 Richard Saunders  
 John C. Snow  
 George Weeden  
 Jeremiah Amable  
 Nathan Monro  
 Thomas Sarle  
 James C. Randall  
 Lawton A. Shearman  
 Benjamin M. Jackson  
 Israel Scott  
 Seth Scott  
 Holden Pearce  
 Joseph Moore  
 David Cole  
 Jabez C. Olney  
 Nathaniel Perkins  
 Ethan T. Sheldon  
 P. S. T. Hewett  
 Benjamin S. Olney  
 William O. Briggs  
 Nathaniel Fuller  
 Alanson Smith  
 John P. Mumford  
 John Day  
 Edward S. Folger  
 Charles F. Rawson

John Gould  
 Joseph Smith  
 Edward Thurston  
 Zadoc Shearman  
 Barney Peck  
 Barton Randall  
 Silas Burgess  
 Henry C. Pabodie  
 Charles T. Martin  
 Joseph H. Austin  
 Alexander G. Folger  
 John Penno, jr.  
 Jeremiah Penno  
 Charles Seamans  
 Almon S. Baker.

*Not qualified.*

John Francis  
 Benjamin Stansfield  
 John Banks  
 David Nichols.

Qualified	-	-	-	258
Not qualified	-	-	-	506
Total	-	-	-	<u>761</u>

## RECAPITULATION.

	Qualified.	Not qualified.
First ward	162	362
Second ward	88	284
Third ward	165	472
Fourth ward	142	357
Fifth ward	248	515
Sixth ward	255	506
Total	1,060	<u>2,496</u>
Grand total	-	<u>1,060</u>
		<u>3,556</u>

No. 107.

## VOTERS IN SMITHFIELD, PROVIDENCE COUNTY.

*Not qualified.*

Arnold, John F.  
 Arnold, Daniel  
 Allen, Asa M.  
 Andrews, Dennison D.  
 Aldrich, William  
 Allen, David  
 Allen, David E.  
 Angell, Stephen  
 Arnold, Jacob  
 Arnold, James M.  
 Arnold, Hanson  
 Austin, John  
 Adams, John A.  
 Ashton, Samuel B.  
 Allen, Kay  
 Angel, Eben S.  
 Aldrich, Hamilton P.  
 Arnold, George W.  
 Allen, Leonard  
 Aldrich, Eseek  
 Aldrich, Nelson  
 Allen, Alfred  
 Arnold, Collins  
 Aldrich, Alva  
 Allen, Ichabod, jr.  
 Aldrich, Lewis  
 Aldrich, Caleb  
 Angell, Stephen  
 Aldrich, Charles  
 Allen, Ichabod  
 Arnold, Lewis G.  
 Adams, Luther H.  
 Adams, Elijah  
 Arnold, James  
 Albee, Ethan A.  
 Archer, George S.  
 Arnold, Whipple  
 Allen, Joseph C.  
 Allen, Otis  
 Arnold, Baxter L.  
 Arnold, William  
 Arnold, Samuel, jr.

*Qualified.*

Applebey, Charles

Angell, Nathan  
 Aldrich, Vesey  
 Angell, Pardon  
 Armington, Lyman  
 Arnold, Allyn  
 Allen, Sabin  
 Aldrich, Edwin  
 Aldrich, Nathan, 2d  
 Angell, Jabez B.  
 Angell, David  
 Angell, Daniel  
 Aldrich, Smith  
 Aldrich, Thomas S.  
 Aldrich, Thomas J.  
 Arnold, Samuel S.  
 Aylsworth, Allen E.  
 Arnold, Israel, jr.  
 Aldrich, Wellington  
 Arnold, John R.  
 Arnold, Olney  
 Arnold, Thomas T.  
 Arnold, Lyman  
 Arnold, Jenckes  
 Aldrich, Smith S.  
 Alexander, Lemuel  
 Andrews, Thomas  
 Aldrich, George B.  
 Aldrich, Welcome W.  
 Aldrich, Joel, jr.  
 Aldrich, Burrill  
 Arnold, Seth  
 Angell, George W.

*Against.*

Aldrich, Simon

*Not qualified.*

Balcom, Ebenezer, jr.  
 Balcom, Ebenezer  
 Ballou, Horace  
 Bliss, Lewis S.  
 Babbitt, James  
 Babbitt, Ebenezer  
 Bennett, George  
 Bryant, Noah A.  
 Brown, Nathan



## SMITHFIELD--Continued.

Bailey, William  
Burlingame, James  
Blackman, Lawton  
Bailey, Jeremiah  
Burlingame, Ira  
Barney, Patrick  
Byron, Bohan P.  
Balcome, Alfred  
Babbitt, Ebenezer  
Blair, Charles E.  
Brayman, Hasard  
Bailey, George W.  
Babbitt, William W.  
Boyden, Samuel  
Blackmar, William  
Bradford, George W.  
Brown, Laban  
Brown, Ebenezer  
Brown, George W.  
Brown, James  
Beebee, George C.  
Beals, Samuel R.  
Bullock, Lorenzo D.  
Bartlett, William  
Bentley, Gardiner  
Briggs, Caleb A. W.  
Bowen, Horace B.  
Ball, Nahum  
Bentley, John  
Bennett, Whipple  
Bullock, Bradford  
Brickell, James H.  
Babson, John F.  
Briggs, Daniel  
Bowen, Eber  
Beebee, William H.  
Briggs, William H.  
Ballou, Welcome  
Boyle, Phineas  
Bicknell, Japheth  
Bates, Ephraim J.  
Barrows, Fayette  
Braman, Stephen H.  
Boss, John L.  
Balsor, Ornan  
Barnes, Horace  
Barnes, Mowry  
Ballou, Silas  
Ballou, Joseph R.  
Brayton, Randall S.

Bates, Albert A.  
Bishop, Welcome W.  
Baker, Asa  
Bryant, Henry W.  
Boss, George  
Bicknell, Joseph B.  
Burlingame, George W. B.  
Baxter, Alexander  
Buxton, William  
Buxton, William  
Brown, Stephen  
Brown, Daniel S.  
Ballou, Wheaton F.  
Ballou, Dennis  
Bellows, Willard  
Bellows, Eliphalet E.  
Bartlett, John S.  
Brayman, Wanton  
Bolster, Warren  
Bassett, Nathan  
Ballou, Peter  
Bowen, William R.  
Bowen, Joseph W.  
Bentley, Warren  
Burrows, Josiah  
Buxton, Job  
Brickell, Samuel C.  
Bowen, Alden  
Ball, George W.  
Brown, Jonathan  
Brown, Elisha  
Brown, John  
Brown, Christopher  
Bowen, Stephen  
Boomer, Joseph  
Bacon, George W.  
Bridge, Allen M.  
Bowen, Coomer  
Burbank, William H.  
Barber, Ezra F.  
Brayton, Boylston  
Bigelow, Harden  
Briggs, James M.  
Briggs, Rufus  
Blake, Andrew  
Bradford, Dutee  
Burden, Estes  
Bishop, Allen  
Billington, Randall  
Brown, William

## SMITHFIELD—Continued.

Bradford, Zebediah  
 Bartlett, James  
 Barton, Washington  
 Bowen, Henry  
 Barnett, Hiram  
 Brightman, Robert D.  
 Buxton, David  
 Brayton, David  
 Benchley, William

*Qualified.*

Burbank, Thomas  
 Bradford, Gideon  
 Bradford, James H.  
 Barnes, William  
 Brown, Thomas S.  
 Ballou, Eliab M.  
 Bosworth, Richard T.  
 Bradford, Isaac  
 Bray, Christopher G.  
 Brown, Waterman F.  
 Bartlett, William  
 Buffum, Thomas  
 Bisbee, William O.  
 Barnes, Levi  
 Brooks, William  
 Buxton, Oliver C.  
 Briggs, Richard  
 Baxter, Ansel  
 Bacon, George A.  
 Brown, Lorenzo S.  
 Bishop, Thomas W.  
 Braman, James M.  
 Barnes, Pardon  
 Burrows, Eleazer W.  
 Brown, Charles  
 Benedict, Stephen  
 Benedict, Thomas J.  
 Benedict, David H.  
 Benedict, Stephen G.  
 Ballou, William  
 Ballou, Willard  
 Bennett, Joseph  
 Brown, Gideon  
 Brown, Ebenezer  
 Brown, Arnold  
 Briggs, James  
 Barney, William C.  
 Ballou, William J.  
 Bradford, Willard

Buxton, Charles  
 Buxton, Rufus  
 Buxton, Thomas  
 Buxton, Aaron  
 Busher, Samuel  
 Bellows, James  
 Butler, William  
 Brown, Daniel  
 Bradford, Sabin  
 Ballou, Warren

*Not qualified.*

Carpenter, Allen  
 Chase, Thomas  
 Colvin, Albert  
 Clarke, Charles  
 Carter, Abel  
 Cummings, Wm.  
 Cole, Jonathan D.  
 Chase, Nelson  
 Crosbee, Geo. W.  
 Croswell, Theophilus  
 Chase, Luther  
 Chandler, Enos  
 Collins, Thomas, jr.  
 Crosbee, Daniel B.  
 Clarke, John B.  
 Cole, Ariel  
 Crosbee, Aurelius  
 Curtis, John  
 Crowell, Joseph  
 Crossman, John W.  
 Colwell, Willard  
 Cushing, Benj.  
 Crossman, Emery  
 Collins, Heman S.  
 Cook, Reuben  
 Collins, Daniel J.  
 Cunliff, Giles M.  
 Claflin, Charles J.  
 Cory, Christopher  
 Chase, Moses  
 Crolee, Elisha  
 Cady, Edmund  
 Collins, Ephraim  
 Crossbee, Wm. H.  
 Crandall, Lorenzo  
 Crandall, Chas. C.  
 Carpenter, Richard  
 Carpenter, Richard, jr.

## SMITHFIELD—Continued.

Cummins, John  
 Cooke, John L.  
 Cooke, Warren  
 Chamberlin, James  
 Clarke, Preston H.  
 Champlin, Daniel  
 Carlton, Daniel  
 Cooper, Thos. J.  
 Conkey, Isaac G.  
 Carpenter, Daniel  
 Corser, Benj.  
 Corey, Caleb A.  
 Collins, Rufus  
 Curtis, Joseph  
 Carr, Daniel  
 Cash, David  
 Collins, Thomas  
 Collins, Simon  
 Cummings, James R.  
 Casey, Gideon  
 Clarke, Nelson L.  
 Cole, Sisson  
 Cobbett, Isaac  
 Cutting, David F.  
 Collins, Joseph  
 Cuzzine, Geo. J.  
 Cushing, Nicholas  
 Clarke, John  
 Chase, Alfred B.  
 Cutting, Caleb  
 Colwell, David  
 Cooke, Oliver C.  
 Cooper, Chester  
 Corey, Daniel N.  
 Corey, Marvin  
 Crossman, Noah

*Qualified.*

Clarke, Andrew Y.  
 Crossman, Alpheus  
 Crossman, Chas. P.  
 Clarke, David  
 Cole, Jonathan  
 Cole, Geo. D.  
 Carpenter, John J.  
 Chase, Samuel  
 Carr, Weaver  
 Cummings, Pardon J.  
 Cummings, Geo. T.

Crossbee, Benj.  
 Coe, Alden  
 Capron, Joseph, jr.  
 Cardon, Dunleopard  
 Chase, Alex. B.  
 Cowden, Jason  
 Collins, Prince  
 Clarke, Randall B.  
 Cooke, Albert  
 Copeland, Geo. H.  
 Clarke, Alfred C.  
 Coe, Emor  
 Coe, Robt. A. W.  
 Cooke, Lyman  
 Carr, Henry  
 Chase, Allen  
 Crapon, Thos. G.  
 Copeland, Joseph

*Not qualified.*

Dean, Aratus  
 Dean, Brigham  
 Dickerson, John  
 Dawley, Farnum  
 Devereux, Elisha O.  
 Davis, John D.  
 Davis, Wm.  
 Dexter, Benj.  
 Daniels, Benj.  
 Dickerson, Ebenezer  
 Davis, Thomas  
 Davis, Stephen T.  
 Darling, Lewis  
 Drake, John  
 Dow, Geo. W.  
 Dunsley, Wm. W.  
 Dean, Calvin  
 Dean, Edward  
 Dudley, Abel  
 Dean, Lisel  
 Devereux, James  
 Davis, John  
 Davis, Benj.  
 Davis, Nathan  
 Day, Austin G.  
 Drury, Levi W.  
 Darling, Alvin  
 Darling, Cordis



## SMITHFIELD—Continued.

Darling, Joshua  
Dean, James

*Qualified.*

Day, Elijah  
Dexter, Francis M. G.  
Dolly, Solomon  
Davis Stephen  
Davidson, Wm. M.  
Durfee, David  
Daniels, David  
Dick, George  
Darling, Willis  
Daniels, John M.  
Dampney, John

*Not qualified.*

Eggleston, Asa  
Ellis, Amos  
Erson, James W.  
Elkins, Edward  
Earle, Hiram  
Earle, Ralph  
Evans, Benj., jr.  
Elliot, Nath.  
Elliot, Daniel  
Emmons, Alfred J.  
Ellsbree, James  
Earle, Albert  
Earle, Wm.  
Earle, John F.  
Easton, Alvan  
Esten, Randall  
Ellsbree, Wm.  
Edge, Thomas P.  
Enches, Benj.  
Enches, Dexter R.  
Enches, Jesse F.  
Edson, Benj.  
Eastwood, James

*Qualified.*

Enches, Thomas  
Ellis, John  
Esten, Dutee  
Eggleston, John W.

*Not qualified.*

Freeman, B. Fuller  
Florence, John  
Finn, Thomas  
Fuller, Thos. P.  
Fuller, Geo. W.  
Foster, James J.  
Fiske, Emory  
Fuller, Benj.  
Fisher, Howard  
Fenner, Henry G.  
Freeman, Caleb  
Freeman, Mason  
Fuller, Wm.  
Fuller, Nathan, jr.  
Fuller, Amos  
Fuller, Lorenzo D.  
Fuller, Nathan  
Fuller, Joshua  
Fuller, T. R.  
Fairbrother, Pritchard  
Fairbanks, James  
Field, Ira  
Foristall, Olney  
Freeman, Willard  
Franklin, Ebenezer  
Flood, Arthur  
Fanning, Chas. H.  
Fisher, Elias  
Foster, James  
Ford, Joseph  
Fuller, Zachary  
Fuller, Caleb  
Follett, Randall  
Flagg, Benj.  
Fisher, Chas. L.

*Qualified.*

Follet, Leonard  
Follet, Isaac  
Follet, Lewis  
Follet, Leonard J.  
Fenner, John  
Farnum, Chas. A.  
Faxon, Elbridge G.  
Farnum, David

## SMITHFIELD—Continued.

*Not qualified.*

Gorton, Oliver C.  
 Greene, James G.  
 Greene, Sam. L.  
 Greene, Henry L.  
 Greene, Geo. F. H.  
 Gardiner, Samuel  
 Gardiner, Nath. F.  
 Gardiner, Wm. H.  
 Gilmore, Avery  
 Gilmore, Elbridge  
 Gilmore, Gorton  
 Gifford, Alpheus  
 Goffe, Amasa C.  
 Goffe, Luther W.  
 Gage, Richard B.  
 Gordon, Charles S.  
 Gordon, Geo.  
 Goffe, Ephraim  
 Gardiner, Nelson  
 Gardner, William  
 Gaskill, George B.  
 Guild, Ous G.  
 Gleason, Hiram  
 Gilford, Robert  
 Gorton, Lewis E.  
 Grey, Joshua  
 Gross, Samuel A.  
 Gregory, Elisha  
 Guild, Heman  
 Garrett, Benjamin  
 Grinnell, Simeon  
 Grinnell, James  
 Gatchell, John  
 Gould, Ous  
 Garrett, Ezekiel  
 Greene, Benjamin  
 Greene, Augustus  
 Greene, Scammel  
 Greene, Israel  
 Greene, Allen  
 Greene, David  
 Greene, Benjamin P.  
 Greenman, Edward  
 Guild, Loring C.

*Qualified.*

Godfrey, Aldrich

Grant, Preston  
 Green, William A.  
 Gifford, Freeman  
 Gifford, Seth B.  
 Greyson, Thomas  
 Gorton, Israel R.  
 Greene, Alexander G.  
 Greene, Benjamin F.  
 Greene, William  
 Gardiner, David N.  
 Godfrey, Bradford  
 Greene, William A.  
 Gonley, John

*Not qualified.*

Hammond, Amos  
 Harris, David  
 Harrington, Jonathan  
 Hubbard, James  
 Hawkins, Eleazer  
 Harris, Ira  
 Hawkins, Elijah C.  
 Hutchinson, Stephen  
 Harris, Mason  
 Haywood, James  
 Hawkes, Ann  
 Hicks, Jacob  
 Hutchinson, Francis  
 Hawkins, Arnold  
 Holmes, William  
 Holmes, Harvey  
 Hudson, Stephen  
 Harringdeen, Wanton  
 Holt, George W.  
 Holmes, Ebenezer M.  
 Harlow, Calvin  
 Horton, Nathan S.  
 Harrington, Edward V.  
 Harradon, Jeremiah  
 Hix, Benjamin  
 Hayden, William  
 Hathaway, Jeremiah  
 Harlow, William A.  
 Harvey, John A. J.  
 Humes, Daniel  
 Harris, Daniel  
 Hoxie, Arnold  
 Hill, Edward  
 Hill, Daniel

## SMITHFIELD—Continued.

Hayden, Daniel W.  
 Humes, George  
 Humes, Ezra  
 Hutchinson, Simon  
 Hendrick, Thomas  
 Haywood, Gordon N.  
 Hutchens, Samuel  
 Hill, James  
 Higgins, Solomon  
 Howard, Shubael  
 Horton, Nathan  
 Horton, Thomas  
 Hawkins, Smith  
 Hill, Leonard  
 Hood, Joseph  
 Hill, William A.  
 Higgins, Zebina  
 Hopkins, Willis  
 Humes, Raymond  
 Haraden, Hiram  
 Harris, Sanford  
 Hannay, Samuel  
 Hale, Jabez R.  
 Hill, George B.  
 Hoxie, Arnold  
 Hurd, Dean  
 Harrington, Seth  
 Hudson, M. W.  
 Haywood, Richard  
 Haywood, William  
 Hawkins, Otis  
 Hathaway, Joseph R.  
 Howland, Sears  
 Harris, William  
 Hammond, John A.  
 Hendrick, William  
 Hawkins, John H.  
 Harris, Woodbury C.  
 Harris, Smith  
 Hill, William, jr.  
 Harding, Timothy L.  
 Horton, Ambrose  
 Hawkins, George  
 Harwood, Byron  
 Hill, George W.  
 Hicks, Augustus  
 Handy, Ebenezer  
 Hendrick, Horace  
 Holden, Havilah  
 Hutchinson, Cyrus B.

Hewett, Allen  
 Howard, Joseph  
 Haliburton, George  
 Holbrook, Cephas  
 Handy, Elisha  
 Harrington, William  
 Holmes, David  
 Harris, Jeremiah  
 Hend, Oliver  
 Horton, John

*Qualified.*

Hoskins, Abijah  
 Humes, Henry S.  
 Holley, Wm. P.  
 Hendrick, Wing  
 Hasten, Joshua G.  
 Holbrook, Wilder  
 Harris, Daniel G.  
 Hutchinson, Burrill  
 Hendrick, Daniel  
 Harris, Benjamin  
 Handy, Philip F.  
 Hill, Ebenezer A.  
 Holman, Ansel  
 Hathaway, Pardon  
 Harkness, Southwick  
 Harkness, James  
 Harris, Albert T.  
 Harris, Edwin  
 Hakes, Jesse  
 Holley, Abner  
 Harris, David J.  
 Hakes, Nelson  
 Holley, Rufus  
 Hunt, Daniel  
 Hutchinson, William  
 Hutchinson, William B.  
 Harris, Simon  
 Harris, Alexander  
 Harris, Welcome  
 Harris, George  
 Howard, William  
 Harris, Farnum  
 Holbrook, Moses K.  
 Hurd, Freeman

*Not qualified.*

Ide, Ebenezer



## SMITHFIELD—Continued.

Irons, William  
Irons, Arthur  
Inman, W. S.  
Ironz, Amasa  
Inman, Jonathan  
Ives, Nelson

*Qualified.*

Irons, Harris M.  
Inman, Joseph  
Inman, Rebues  
Inman, Daniel, jr.

*Not qualified.*

Jacobs, Nathaniel P.  
Jacques, James  
Jenckes, Jeremiah  
Jillson, William D.  
Jenckes, Hosea  
Jostin, Charles  
Jacques, Isaac  
Johnson, William  
Jenckes, George W. C.  
Jenckes, John, 3d  
Jones, William H.  
Johnson, Albro  
Johnson, Sumner R.  
Jepherson, Reuben  
Jacobs, Benjamin

*Qualified.*

Johnson, George  
Jenckes, George  
Jenckes, Joseph  
Jenckes, Arnold  
Jenckes, James H.  
Jenckes, Rufus  
Jeffers, Thomas

*Not qualified.*

Kent, Henry H.  
Kimball, John J.  
Kendall, William H.  
Keech, Daniel  
Kingman, Charles  
Keech, Joram

Keech, Stephen  
Keith, Artemas  
Knight, Waterman  
Kibbe, Harry  
Kimball, Daniel  
Kerr, James  
Kingman, Cassander  
Knapp, Moses B.  
Keen, Daniel M.  
Kent, Henry B.  
Keen, William W.  
Kimball, Stephen

*Qualified.*

Kendall, Daniel  
Keene, John  
Kook, Sylvanus  
Knapp, Joseph  
Knight, Alfred  
Knight, Harden  
Keech, Alfred, jr.  
King, Olney  
Keene, John S.  
Kinnecom, George H.  
Knight, Daniel

*Not qualified.*

Leach, Lebbeus  
Luther, John W.  
Lewis, Horace D.  
Lacy, Augustus W.  
Landers, Charles S.  
Latham, Arthur  
Leach, John  
Luther, Hiram  
Lee, Mason  
Latham, Andrew B.  
Legg, Allen  
Lawrence, Adam  
Linkfield, Benjamin  
Lewis, Daniel  
Latham, Horatio  
Leonard, Carleton  
Lyon, Asa  
Lewis, James  
Luther, Calvin  
Lawrence, Jabez  
Lewis, Albert

## SMITHFIELD—Continued.

Luther, Daniel W.  
 Leggett, William M.  
 Leech, Lebbeus  
 Lochlin, James  
 Lewis, Enoch  
 Lewis, Foster

*Qualified.*

Latham, Elisha  
 Latham, Zebina  
 Lapham, Scott  
 Lapham, Mowry  
 Lockwood, Amos D.  
 Luke, Sylvester  
 Luther, Jeremiah

*Not qualified.*

Mason, William A.  
 Mathewson, Riley P.  
 Munyan, Marcus  
 Morse, Joseph  
 Marsh, Warren  
 Mowry, Dutee, 3d  
 Marsh, Joel  
 Mason, Stephen N.  
 Marvel, Ira  
 Macklin, George  
 Mouse, James H.  
 Miller, Simeon  
 Megget, Alexander  
 Mowry, Aldrich  
 Mowry, Newell  
 Mowry, Albert  
 Mowry, Henry  
 Mowry, Scott S.  
 Morse, Thomas  
 Manchester, James  
 Manton, Wm. H.  
 Merry, Joseph H.  
 Morse, Moses  
 Mason, Wilber  
 Merry, Steward  
 Miller, John R.  
 Medbury, Benjamin D.  
 Mowry, John O.  
 Mowry, Wm. G. R.  
 Mathewson, Smith  
 Martin, Benjamin  
 Moies, Miles G.  
 Mansfield, John F.

Manning, Asa  
 Mowry, John D.  
 Miller, Seth S.  
 Monroe, James  
 Manchester, Niles  
 Marsh, John  
 Mason, Asa jr.  
 Mowry, Whipple B.  
 Maynard, Elmer N.  
 Millard, George  
 Martin, Remember  
 Miller, Aaron  
 Mann, William  
 McCartney, James  
 Mowry, Wm. R.  
 Moffit, Caleb  
 Mallory, Samuel S.  
 McBlain, George  
 McIntire, Sylvester  
 Marker, Charles  
 Muzzy, Elisha  
 Martin, James  
 Mason, Miller  
 Manning, Isaac  
 Morse, Alfred  
 Mann, Bonaparte  
 Mann, Henry  
 Martin, John  
 Manly, Charles  
 Mason, William  
 Marsh, Silas  
 Marsh, Simeon  
 Marsh, Nahum  
 Matteson, Ray  
 Mowry, Darius

*Qualified.*

Mowry, Abaz, jr.  
 Mason, William  
 Mowry, Charles C.  
 Mathewson, Mansa  
 Mowry, Eliakim  
 Mowry, Jesse  
 Mowry, Ulysses  
 Mowry, Philip  
 Mowry, Richard  
 Mowry, William G.  
 Mowry, Fenner  
 Mowry, John, 2d  
 Mowry, Smith, 2d

## SMITHFIELD—Continued.

Mowry, Benedict  
 Mowry, Edward C.  
 Mowry, Welcome, jr.  
 Mowry, David B.  
 Mann, Thomas  
 Mason, Asa  
 Miller, Joab  
 Mansfield, Henry S.  
 Mowry, Sylvester, 2d  
 Mowry, Nathaniel, 2d  
 Mowry, Welcome F.  
 Mowry, Edwin W.  
 Mann, Stafford  
 Marsh, Metcalf  
 Mowry, Olney  
 Mowry, Esek  
 Mowry, Jona.  
 Mowry, Burrell R.  
 Mowry, Smith R.  
 Mowry, Asa E.  
 Mowry, Foster  
 Mowry, Levi B.  
 Mowry, Mark A.  
 Mowry, Welcome  
 Mowry, Welcome, 2d  
 Mowry, William  
 Marvill, John B.  
 Mann, Job S.  
 Mowry, Jesse T.  
 Mowry, Levi  
 McCan, James

*Not qualified.*

Nickerson, Stephen  
 Nickerson, Dean  
 Nickerson, Leonard  
 Nickerson, Clifford P.  
 Niles, Ephraim  
 Newell, Nelson  
 Nickerson, William  
 Nickerson, Isaac  
 Nason, Delmont  
 Norton, Henry H.  
 Nichols, Reuben  
 Nichols, Albert  
 Nichols, Jonathan  
 Newton, Simeon

*Qualified.*

Nickerson, Caleb M.  
 Newman, Benjamin M.

*Not qualified.*

Oatley, John  
 Osten, Henry

*Qualified.*

Owen, Thomas J.  
 Olney, Emor

*Not qualified.*

Potter, John  
 Poor, Nathan  
 Paine, Mowry  
 Pate, Rowland  
 Pierce, James B.  
 Phetteplace, Thaddeus  
 Phetteplace, Allen  
 Phetteplace, Chad  
 Phetteplace, Otis  
 Phetteplace, George  
 Phetteplace, David  
 Palsey, Alanson  
 Parker, George W.  
 Plummer, John  
 Peck, Joshua  
 Parish, Charles  
 Pooke, Milton  
 Place, H. N. F.  
 Potter, Joseph S.  
 Perry, John  
 Pitsley, Joseph  
 Paine, Pliny P.  
 Paine, Angell  
 Pitsley, Alexander  
 Pitsley, Joseph B.  
 Pierce, James M.  
 Pierce, John  
 Pierce, David N.  
 Phillips, Nathan  
 Phillips, Lewis  
 Phillips, Arnold F.  
 Phillips, Nathaniel  
 Phillips, Stephen  
 Pierce, Isaac  
 Pierce, Asahel  
 Perrin, Otis  
 Potter, B. A.  
 Pate, Jeremiah  
 Pierce, John



## SMITHFIELD—Continued.

Pierce, Barnum  
 Pholly, Albert  
 Phinney, Warren  
 Perry, William W.  
 Pierce, Henry G.  
 Paine, Horace A.  
 Phillips, John  
 Potter, Arnold  
 Palsey, Virgil M.  
 Perkins, William A.  
 Perkins, William F.  
 Pierce, Henry G. 2d  
 Pritchard, Knott  
 Plummer, Marvin  
 Potter, Horace  
 Paine, Ephraim  
 Paine, Mathewson W.  
 Pritchard, William  
 Parish, Burnham  
 Paine, Smith W.  
 Potter, Ira  
 Place, Lewis  
 Paine, Fenner  
 Paine, Oliver  
 Prince, George

*Qualified.*

Paine, David N.  
 Phetteplace, Thurston E.  
 Paine, Ephraim  
 Perry, Stephen  
 Phillips, Welcome A.  
 Phetteplace, Newell  
 Phetteplace, Benjamin  
 Phetteplace, Dutee  
 Pate, Simon  
 Pate, William J.  
 Pate, Jabel  
 Paine, Nahum B.  
 Pinkerton, Thomas  
 Paine, Noah  
 Pierce, Daniel  
 Polsey, Abner  
 Pooke, Edward  
 Peck, Noah S.  
 Pitts, Joseph  
 Pitts, James  
 Paine, Daniel  
 Paine, Paris L.

Paine, Abel  
 Prentis, William  
 Phetteplace, Simon W.  
 Paine, John

*Not qualified.*

Quimby, Samuel  
 Quiston, Robert M.

*Not qualified*

Remrich, Augustus  
 Reynolds, Thomas P.  
 Rogers, Solomon  
 Reed, William  
 Rogers, Benjamin  
 Rathbun, John  
 Roberts, John  
 Richardson, N. H.  
 Reed, Anson  
 Reed, William B.  
 Reynolds, Allen  
 Reynolds, Robert  
 Rathbun, Nathan  
 Rogers, Solomon, jr.  
 Reed, James  
 Radcalf, William C.  
 Roberts, Ebenezer  
 Reynolds, Arnold  
 Rogers, Warren  
 Richmond, Edward  
 Randale, Simeon  
 Roys, Benedict  
 Robinson, Andrew  
 Robinson, James K.  
 Remington, William  
 Richardson, Charles  
 Rounds, Freeman  
 Richardson, Isaac A.  
 Ross, Frederick

*Qualified.*

Randall, Shadrach  
 Robinson, Whipple  
 Robinson, William  
 Ray, Joseph C.  
 Ray, Samuel  
 Randall, Dexter

## SMITHFIELD—Continued.

Reed, John  
 Reed, George  
 Reddy, Michael  
 Reddy, Edward  
 Remington, James M.  
 Robinson, John S.

*Not qualified.*

Stebbins, Charles F.  
 Spencer, Edward  
 Salisbury, George E.  
 Stratford, Charles J.  
 Sayles, William  
 Sherman, Silas E.  
 Sherman, N. K.  
 Smith, Israel A.  
 Smith, Isaac  
 Smith, Reuben  
 Sayles, John E.  
 Sears, James P.  
 Stras, Stedman W.  
 Saunders, Thomas  
 Smith, Clarke  
 Studley, Freeman  
 Sweet, Waterman  
 Smith, Palmer  
 Sherman, Ebenezer  
 Staples, Sylvanus  
 Simmons, Eleazer  
 Stone, Benoni  
 Sweetland, Thomas  
 Snow, Levi M.  
 Snell, Thomas  
 Sheter, Thomas  
 Sherman, Preserved  
 Sherman, James B.  
 Smith, Brown  
 Shove, Samuel  
 Smith, Good  
 Smith, George W. A.  
 Stearns, Michael  
 Simmons, Daniel  
 Sisson, Abner C.  
 Smith, Michael  
 Stearns, Francis  
 Salisbury, Benoni  
 Stearns, Micah  
 Staples, Arnold  
 Speak, William

Sprague, Benjamin  
 Shaw, John, jr.  
 Salisbury, Stephen  
 Sayles, Seth  
 Stanley, David F.  
 Smith, Charles  
 Smith, Marshall  
 Smith, Amasa  
 Sweetser, George  
 Sherman, Waterman  
 Stutely, Henry  
 Stone, Lewis  
 Stimpson, Lovett  
 Sibley, James  
 Sweetser, Warren  
 Smith, Welcome  
 Spencer, Jason  
 Salisbury, Charles  
 Smith, Henry M.  
 Salisbury, John  
 Smith, Amasa  
 Streeter, Nathaniel  
 Simons, Edward  
 Sibley, Elbridge G.  
 Sweet, Anthony  
 Salisbury, William  
 Smith, Anan B.  
 Streeter, David W.  
 Slater, Stephen  
 Sweetzer, Charles  
 Sanborn, Stephen  
 Salisbury, Charles  
 Smith, A. B.  
 Slater, Stephen, jr.  
 Salisbury, Reuben  
 Simmons, Levi  
 Sherman, John B.  
 Simmons, Sandford  
 Sweet, Richard  
 Stearns, George  
 Shepersen, James W.  
 Snooks, Barney  
 Smith, Gardner  
 Smith, Joshua B.  
 Smith, Daniel  
 Sweetland, Thomas  
 Slade, Stephen  
 Sayles, Daniel  
 Staples, George  
 Sears, Thomas

## SMITHFIELD—Continued.

Sherman, Henry  
 Stoddard, Benjamin G. W.  
 Sherman, Benjamin  
 Sturtevant, Francis  
 Slocum, Samuel G.  
 Searle, Benjamin G.  
 Stafford, Foster H.  
 Stafford, Rufus J.  
 Smith, Amasa  
 Spear, Benjamin  
 Smith, Elisha  
 Seagrave, Edward F.  
 Smith, Elisha  
 Smith, George  
 Streeter, Van R.  
 Shove, Thomas F.  
 Sayles, Smith, 2d  
 Shippee, George  
 Smith, Charles A.  
 Spooner, Asa D.

*Qualified.*

Sweet, Daniel A.  
 Sherman, Stephen A.  
 Sayles, Richard  
 Smith, George W.  
 Sayles, Benjamin, 2d  
 Smith, Emor H.  
 Stafford, Christopher G.  
 Sayles, Clarke  
 Smith, Edward  
 Smith, Stephen  
 Smith, Dow  
 Sayles, Welcome  
 Sayles, Stephen  
 Smith, Elisha  
 Smith, Jin  
 Smith, Orrin  
 Spaulding, John N.  
 Stiness, George G.  
 Streeter, Alfred  
 Stone, Henry  
 Spear, Arnold  
 Sayles, Welcome B.  
 Sherman, Peleg B.  
 Sherman, Eleazer  
 Sayles, Israel  
 Sweet, Albert  
 Smith, Silas

Smith, Wanton  
 Smith, Abel  
 Slocum, William  
 Spear, Seth  
 Smith, Simon  
 Smith, Elijah  
 Smith, Emor  
 Sayles, Orrin  
 Southwick, Eber  
 Sayles, Madison  
 Smith, Russell  
 Swan, William

*Not qualified.*

Taylor, Charles M.  
 Trafton, John  
 Thompson, Benjamin  
 Thompson, Nahum W.  
 Tillinghast, Henry G.  
 Thompson, Hiram  
 Thompson, Ellis  
 Thompson, John  
 Thompson, Henry L.  
 Taylor, Henry  
 Tyler, Timothy  
 Tourtellot, Lebbeus C.  
 Tyler, Gardiner  
 Tyler, John  
 Taber, Lawton  
 Thompson, Horatio T.  
 Taber, Stephen H.  
 Taft, Lyman A.  
 Tobey, Archelaus  
 Tobey, William  
 Thornton, James  
 Tucker, Amasa T.  
 Tiffany, Charles A.  
 Taft, Henry  
 Thayer, Hiram  
 Taylor, Edward G.  
 Taft, Abner P.  
 Thayer, Smith  
 Tilden, James B.  
 Tucker, William  
 Taylor, Dexter  
 Thorp, Comfort B.  
 Terry, Seth W.  
 Thurber, Albert D.  
 Thompson, William A.



## SMITHFIELD—Continued.

Thompson, Daniel C.  
 Taylor, Timothy A.  
 Tift, Rufus W.  
 Taylor, Cyrus B.  
 Tiffany, Joseph  
 Thayer, Laban  
 Tripp, Abiel  
 Taft, Royal K.  
 Taft, Bailey  
 Thayer, John W.  
 Thayer, Samuel W.  
 Tift, Arnold  
 Tallman, John

*Qualified.*

Tracy, Ralph  
 Tanner, Silas  
 Taft, Elias  
 Taber, Isaac  
 Taber, Benjamin P.  
 Taber, William B.  
 Todd, Albert  
 Turner, Joshua  
 Thornton, Waterman  
 Taft, Nelson  
 Tucker, Jackson  
 Tucker, Elhanan  
 Tucker, Samuel P.  
 Trowbridge, Horace  
 Taft, Amasa  
 Thayer, Smith

*Not qualified.*

Usher, Willard  
 Usher, Elisha M.

*Qualified.*

Usher, James S.

*Not qualified.*

Vallett, Wanton  
 Vallett, Barton  
 Vallett, David  
 Vannevar, John  
 Vickery, Abiel, jr.  
 Vaughn, William N.  
 Vose, Amariah

*Qualified.*

Vickery, William  
 Varney, Andrew J.  
 Vars, John  
 Vose, Alanson  
 Vose, Seth H.

*Not qualified.*

Welden, Enoch  
 Wight, George A.  
 Woodward, Nicholas  
 Wood, Allen  
 Whitaker, Harris  
 Walderson, Everett  
 Wilmarth, Albert T.  
 Whipple, Charles  
 Wilbur, Jonathan S.  
 Watson, Caleb  
 Weatherhead, Alfred  
 Wakefield, Jeremiah  
 Wheelock, Dennis  
 Wood, John  
 Winsor, Edward M.  
 Walcott, Palemon  
 Westcott, Harley  
 Wilbur, Oliver T.  
 Webb, Joseph  
 Waterman, Albert  
 Wilson, Benjamin  
 Wright, Amasa Z. T.  
 Williams, James  
 Warden, Jona. L.  
 Wilmarth, Hiram  
 Wilmarth, Lyman  
 Wilmarth, Joseph  
 Wilmarth, Theophilus W.  
 Wilmarth, Joseph, jr.  
 Weatherhead, Avery F.  
 Whitman, Benjamin T.  
 Woodward, Samuel E.  
 Wood, Samuel  
 Watson, Champlin  
 Westcott, George N.  
 Wheeler, Philip M.  
 White, Asa  
 Westcott, Caleb  
 White, Samuel O.  
 Wood, J. O.

## SMITHFIELD—Continued.

White, Welcome  
 Wilmarth, Eben  
 Wilbour, Christopher  
 Wilbour, Lawrence  
 West, Brownell  
 Williams, David  
 Watson, Buffum  
 Watson, Lyman  
 Ward, Thomas  
 Wright, Joel  
 Wiley, Alonzo A.  
 West, Bradford  
 Williams, Benjamin  
 White, Melatiah  
 Welden, Warren  
 Whipple, George R.  
 Williams, Simon  
 Wood, Abram  
 Wilbur, Gilbert  
 West, Isaac  
 Whipple, Levi  
 Weld, Tyler  
 Wheeler, Jonathan  
 Webber, George  
 Wood, George  
 Wheelock, Silas  
 Wilbour, Daniel  
 Wheaton, William S.  
 Wilbur, Stephen R.  
 Williams, Jeremiah

*Qualified.*

Whipple, Olney A.  
 Wilbur, David  
 Wright, Orrin  
 Walker, Dudley  
 Wright, Stephen  
 Welden, Prince  
 Wilbur, Daniel, jr.  
 White, John J.  
 Walker, Harris

Whipple, Ferdinand  
 Weaver, Archibald B.  
 Weatherhead, Daniel  
 Wilmarth, Jabez  
 Wilkinson, David S.  
 Whipple, Ahab  
 Wilkinson, John J.  
 Waterman, Royal  
 Worrall, John  
 Wilkinson, William  
 Whipple, Arthur  
 Wilkinson, Isaac  
 West, William, jr.

*Not qualified.*

Young, Martin  
 Young, Charles  
 Young, Alphens  
 Yearnshaw, Thomas  
 Yearnshaw, John  
 Young, Charles  
 Young, Israel  
 Young, Daniel  
 Young, Thomas  
 Young, Othniel  
 Young, Seth P.  
 Yearnshaw, William

*Qualified.*

Young, William  
 Young, Jeremiah J.

—

Qualified,	381 for
Do.	1 against
Not qualified,	956

Total,	<u>1,338</u>
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## VOTERS IN CUMBERLAND, PROVIDENCE COUNTY.

George Jenckes  
 Sylvanus Thayer  
 Whipple Joslin  
 Windsor Wheelock  
 Leonard Joslin  
 John Cheesebrough  
 David D. Kent  
 William Treadwell  
 Mark Kelley  
 John Burnham  
 Sabin P. Pond  
 Elijah A. Sherman  
 Cyril R. Grant  
 Ahiman W. Arnold  
 Ariel Ballou  
 David A. Colvin  
 Linus M. Harris  
 Joseph A. Gladding  
 Warren J. Ballou  
 George J. Chambers  
 George G. Greene  
 George W. Herrick  
 Elias Cobb  
 James Kelley  
 Eleazer Wight  
 Warren White  
 Clinton Puffer  
 Philip W. Capron  
 Elisha Addington  
 Daniel Pierce, jr.  
 Joseph D. Brown  
 David Curtis  
 Welcome J. Bartlett  
 Nelson Steere  
 John M. Eastman  
 Silas Bennett  
 William A. Jenckes  
 William B. Hopkins  
 George W. Kelley  
 Samuel Day  
 William B. Shove  
 Kinsley Carpenter  
 Nathan P. Hopkins  
 Ezekiel Cook  
 Ebenezer Warren  
 William P. Chapman  
 Henry Greenman  
 John S. D. Grant

Martin S. Saunders  
 Lyman Cook 2d  
 David Burchard  
 Nelson Maxson  
 George W. Davis  
 Jenckes Harris  
 James Shepardson  
 Elijah Carpenter  
 Anthony G. Randall  
 Asa Bowdish  
 Abner Rawson  
 Lebbeus Cook  
 Calvin Mason  
 Aaron Mowry  
 Sutton Jillson  
 Jeremiah Goffe  
 Dan A. Daniels  
 Dan King  
 Erastus P. Cole  
 David Greene  
 John King  
 George McIntire  
 Samuel N. French  
 Charles W. Darling  
 Andrew Pucker, jr.  
 Gardner Smith  
 Robert P. Williams  
 Seth Mowry, jr.  
 Joseph Nason  
 Charles W. Underhil.  
 Aaron White, jr.  
 William O. Bartlett  
 Charles A. Scott  
 Samuel Merriam  
 Edwin I. Gerry  
 Edwin Mason  
 Richard Kelly  
 Wanton Greene  
 Gideon Harris  
 James Carroll  
 Smith Burlingame  
 Comfort Eddy  
 Amos Follett  
 James Wilkinson  
 William Smith  
 Alanson S. Daniels  
 Benjamin M. Darling  
 Emory Arnold



## CUMBERLAND—Continued.

Amos Grant  
 Elijah Smith  
 Albert C. Vose  
 Horatio Stockbridge  
 Sampson Chase  
 Charles Greene  
 William A. Knowlton  
 Mowry Colwell  
 Jeremiah Phillips  
 John H. Flint  
 Waterman Hopkins  
 William J. Olney  
 Asa Sargent, sr.  
 Dudley Keach  
 Simeon McIntire  
 John Mowry  
 Rufus A. Young  
 George M. Streeter  
 Richard Moore  
 William Greenman  
 Henry Dick  
 Jonathan Ballou  
 Asa Johnson  
 Adin D. Sargent  
 William B. Robbins  
 Joshua Nickerson  
 Willard Ballou  
 George W. Mowry  
 Willis Wales  
 Sylvester Albee  
 Albert Sweet  
 Horace M. Pierce  
 Bethuel A. Slocum  
 Eber Bartlett  
 Stephen Whitman  
 Joseph P. Sweet  
 Joseph G. Wells  
 Amos Williams  
 John A. Corey  
 Jerry A. Olney  
 Charles Dean  
 Henry P. Green  
 Persia W. Whitaker  
 Warren Grant  
 Caleb Mathews  
 Charles W. Gates  
 Obadiah Kimball, jr.  
 Sheffield Maxson  
 Flavel S. Caswell  
 Otis Hawkins

Stephen Rounds  
 Lowell F. Cole  
 Samuel Cruff  
 Willis Young  
 Ambrose Norton  
 Samuel Crapon  
 Henry Sampson  
 Avery Waterman  
 Benjamin B. Slade  
 John Sawyer  
 John Fuller  
 William Bray  
 Thomas Mague  
 George W. Harrison  
 John Lynch  
 Sterry Hopkins  
 Charles E. Richards  
 William Ross  
 John Fiske  
 Thomas Wilbur  
 George B. Brown  
 William H. Whitaker  
 Zera Clough  
 William P. Noyes  
 Alfred Hixon  
 John E. Brown  
 Barton Darling  
 Jesse Ennis  
 Sidney S. Paul  
 Michael McCowan  
 Levi Day  
 Thomas Nason  
 Francis C. Gardiner  
 James Wood  
 Richard Aldrich  
 Marvel Aldrich  
 Henry Brown, jr.  
 Abraham Houghton  
 Stafford Northup  
 John S. Smith  
 Smith Young  
 Robert Blanchard  
 Libeus Gaskell  
 Christopher C. Gates  
 Elisha Aldrich  
 Anthony S. Fletcher  
 Timothy S. Walker  
 Daniel Hubbard  
 Daniel Wescott  
 Sampson Chase, jr.

## CUMBERLAND—Continued.

Oliver Rose  
 Edward R. Walker  
 Isaac N. Cook  
 Lorenzo D. Davis  
 Timothy A. Andrews  
 Welcome Jillson  
 Samuel Davis  
 Alexander S. Streeter  
 Amos H. Maxson  
 Benjamin F. Crandall  
 Isaac Ellsbree  
 Dexter Wescott  
 David Vickery  
 Orramel Jones  
 Ozias M. Morse  
 Nahum Mowry  
 Nathaniel Morrill  
 Warren Ballou  
 Oliver W. Reynolds  
 Asabel Mann  
 Bela T. Chase  
 Jonathan B. Wood  
 William H. Shackelford  
 Nathaniel W. Whiting  
 Hiram J. Buffington  
 Stukely S. Waterman  
 Anderson Gorton  
 Moses P. Keith  
 Eugene J. Martin  
 Stillman Hendrick  
 Arnold Jillson  
 Ottewill Worrall, jr.  
 James Burchard  
 Anson Darling  
 Nelson Jenckes  
 Nathaniel Nason  
 Allen Gary  
 Nahum Streeter  
 Joseph Burlingame  
 John D. Hunting  
 Albert Darling  
 David Briggs  
 John Gordon  
 Leonard Hyer  
 George L. Bartlett  
 Elisha Smith  
 Ebenezer Cook  
 Stephen Bartlett  
 Jonathan Sweet  
 Fenner Salisbury

George Scott  
 Albert L. Smith  
 George Hood  
 Jairus Lawrence  
 Thomas J. Keach  
 Enos White  
 Elbridge G. Greene  
 James Albee  
 Asel Goffe  
 Jerauld O. Wilcox  
 Elias Balcome  
 Olney Burlingame  
 Elias Burdick  
 Simon Keith  
 Benon L. Goldthwait  
 Lewis B. Arnold  
 Elijah C. Carpenter  
 Lyman Mowry  
 Joseph P. Arnold  
 Stephen B. Whipple  
 William C. Munroe  
 Seth Bartlett  
 Alfred Whiting  
 Spencer Pratt  
 James Corey  
 John Ennis  
 John Phinney  
 William Randall  
 James M. Rawson  
 James Hopkins  
 Thomas Knight  
 Nelson Chase  
 Perry Ballou  
 John Cole  
 Oliver A. Kelley  
 Welcome Harrington  
 Osmon Hathaway  
 Erastus Keach  
 Liberty E. Weld  
 Amos Darling  
 Charles M. Hayden  
 Thomas Harrington  
 Thomas E. Davis  
 Hawkins Mowry  
 Reuben Huntress  
 Abner Jillson  
 Horace M. Nickerson  
 Joshua O. Lewis  
 Henry G. Ballou  
 John Glackin

## CUMBERLAND—Continued.

John Boodry  
 Welcome Bartlett  
 Jesse Shipper  
 Horatio Stockbridge, jr.  
 Increase Gatchell  
 Ephraim Day  
 Henry Estes  
 Philip C. Scott  
 Joseph Weeks  
 Samuel Withrington  
 Smith Cook  
 William Bartlett  
 Burgess T. Chase  
 Benjamin Darling  
 Caleb Carr  
 Leprelet Fuller  
 Darius Sibley  
 Wilson Chase  
 Augustus Adlington  
 David Hill  
 Ira Sibley  
 Chesselden Bruce  
 Mason Wales  
 George Wilkins  
 Charles Fales, jr.  
 George C. Potter  
 Thomas Russell  
 Joseph R. Greene  
 James Greene  
 Alexander Smith  
 Daniel F. Knapp  
 Ezra Kempton, jr.  
 Hosea Gaskill  
 Stephen Borden  
 Charles H. Stone  
 John Washburn  
 Moses Randall  
 Aruna B. Armstrong  
 Seth Peckham  
 Samuel Baker  
 David S. Saunders  
 Jacob W. Saunders  
 Alvin Arnold  
 Burgess Chase  
 William Cole  
 William Joslin  
 Levi T. Ballou  
 William Carpenter  
 Edwin K. Godfrey  
 Benjamin H. Kimball

Layton F. Follett  
 Elijah Bartlett  
 Whipple Cook, jr.  
 James R. Case  
 Horace Cleaveland  
 Horace Gibson  
 Amaziah Weatherhead  
 James M. Whipple  
 Stephen Farnum  
 Hamilton T. Jillson  
 William Lindley  
 Benjamin Gardiner  
 Jenckes Vallett  
 Gideon Jenckes  
 Oliver F. Ballou  
 George Joslin  
 Leonard Wakefield  
 William T. Balcome  
 Ephraim W. Cargill  
 Stephen V. Whipple  
 Warren Weatherhead  
 Jeremiah Jillson  
 Israel Burlingame  
 Pardon Angell  
 Reuben Jenckes  
 Ephraim Knapp  
 Isaac Jenckes  
 Leonard Whipple  
 John A. Knowlton  
 Elisha Capron  
 William Whipple  
 George Capron  
 Lyndon Cook  
 James A. Wilkinson  
 Daniel Arnold  
 Henry Ray  
 William Smith  
 Stephen Dexter, 2d  
 William Sprague, jr.  
 Ichabod Howard  
 James W. Ballou  
 Olney Ballou  
 Joseph A. Weatherhead  
 Samuel E. Reynolds  
 Cyrus Angell  
 Otis M. Pickering  
 Seth Harding  
 Peter Darling  
 Stephen Bennett  
 Uriah Jillson



## CUMBERLAND—Continued.

William Wilkinson  
 Fenner Brown  
 Joseph A. Scott  
 Daniel Follett  
 Horace T. Jillson  
 Lyman Burlingame  
 Knight Whipple  
 Joseph Howard  
 Samuel Weatherhead  
 William Freeman  
 Elbridge G. Cook  
 Ezra Blake  
 Joseph Whipple  
 Jeremiah Howard  
 Sanford Jillson  
 Freeman Salisbury  
 Otis Whipple  
 Welcome Whipple  
 Thomas Carpenter  
 Abner M. Black  
 Lidon Adams  
 Barton Whipple  
 Lewis M. Hill  
 Mial L. Thayer  
 Horace Converse  
 Israel Wheeler  
 William H. Davis  
 Abner Twining  
 Harvey Ballou  
 Timothy Guild  
 James Weatherhead  
 Daniel Weatherhead  
 Wheaton Bly  
 Willard Haskill  
 James R. Whipple  
 Calvin Richards  
 Joseph E. Marble  
 Whipple Weatherhead  
 Abner Haskell  
 Alfred Peck  
 John W. Tingley  
 Nelson C. Newell  
 William Newell  
 Richard Crowninshield  
 David Alexander  
 Joseph D. Weatherhead  
 Jesse W. Franklin  
 Martin Cooke  
 Lebbeus R. Whipple  
 Benjamin Razee

Joseph Whipple, 2d  
 William Sprague  
 Dexter Clarke  
 Willard Freeman  
 Albert Follett  
 Samuel D. Clarke  
 Whipple Razee  
 Lewis Freeman  
 Aaron Fisher  
 William Crowninshield  
 Daniel Hayden  
 Ellis Follett  
 Levi Cole  
 Anson Grant  
 Edward Ballou  
 David Aldrich  
 James Cole  
 John Newell  
 Henry D. Aldrich  
 David B. Aldrich  
 Lewis Jenckes  
 Timothy Darling  
 Columbia H. Tingley  
 Joseph A. Razee  
 Luther Follett  
 William Razee  
 Hosea F. Tingley  
 Ira Alexander  
 Stephen Tingley  
 John Currier, jr.  
 George Lapham  
 John F. W. Clarke  
 Elanson Tingley  
 Willard Staples  
 Alfred S. Whipple  
 Jesse Ellis  
 Jeremiah B. Harris  
 William Howard  
 Eliab Whipple  
 William H. Drown  
 Morris Frettee  
 Edwin R. Arnold  
 William M. Rawson  
 Elijah Brown  
 James Jillson  
 Daniel F. Ellis  
 Laban Walden  
 Albert Bishop  
 Benjamin Abbott  
 Addison Knight

## CUMBERLAND—Continued.

Rufus Hawkins  
 Rufus Arnold  
 George Follett  
 Otis Mason  
 Meletiah Hathaway  
 Albert H. Trask  
 Charles Fisher  
 Samuel Howard  
 Amasa Whipple  
 Olney Whipple  
 John H. Ray  
 Newton S. Ballou  
 George Thomas  
 William B. Smith  
 George W. Clarke  
 Welcome R. Peck  
 Bela Grant  
 Nathaniel Newell  
 Gustavus Alexander  
 Richard Ellis  
 Daniel Alexander  
 William H. Whiting  
 Rufus M. Hawkins  
 Mowry Taft  
 Laban Thayer  
 Gladding O. Thompson  
 James B. Miller  
 Spaulding Newell  
 Dexter B. Shaw  
 Obed Alexander  
 Warren Grant  
 William H. Carpenter  
 Asa Pickering  
 Stephen Alexander  
 Lewis Arnold  
 Edwin H. Pickering  
 Edwin Follett  
 Samuel Clarke  
 Lewis W. Cole  
 Henry N. Thomas  
 Samuel Walter  
 William W. Howard  
 James A. Crowninshield  
 Whiting Haskell  
 Willard Hawkins  
 John M. Ray  
 Wheaton B. Thomas  
 Joel Hawkins  
 Darwin Cook  
 Ebenezer Crowninshield

Lyman Carpenter  
 Thomas B. Sheldon  
 James A. Wilkinson  
 James M. Carpenter  
 Jonathan Peck  
 Pardon Carpenter  
 Jason Tower  
 Jonathan Thayer  
 Alfred Crowninshield  
 Mason Pickering  
 Tisdale B. Thayer  
 Samuel Hancock  
 John M. Smith  
 Charles Hancock  
 George Ide  
 Eliphaz Grant  
 Johnson Burlingame  
 Allen Haskell  
 Otis M. Clarke  
 John Fisher  
 John B. Howard  
 Daniel Whipple  
 Lyman Follett  
 Oliver Follett  
 Royal C. Whipple  
 Jeremiah Hazleton  
 Charles B. Carpenter  
 William Hawkins  
 Amos Whipple  
 Henry N. Staples  
 Horace Follett  
 Abiel Brown  
 Charles Thayer  
 Clarke Simmons  
 Michael W. Fuller  
 William Harding  
 Benjamin Gardner  
 David Jenckes, jr.  
 Cyrus Randall  
 Batavia Mathewson  
 George Perry  
 Alfred D. Read  
 Freeman Cudworth  
 Anson Follett  
 Nathan Brown  
 Montague Williams  
 Leonard Blackington  
 Albee Brown  
 Henry J. Morris  
 Isaac Leach

## CUMBERLAND—Continued.

Jedediah Jenckes  
 George L. Dana  
 Joseph Cobb  
 George W. Read  
 William Freeman  
 John Follett  
 Paris Whitman  
 Preston Williams  
 William Perry  
 William H. Brown  
 Benjamin M. Stivers  
 Silas Whipple  
 Sterry Fisk  
 John P. Slocum  
 Elisha Crossman  
 Benoni Mann  
 Lovet Havens  
 Asa Miller  
 Daniel Wilkinson, 2d  
 John A. Dexter  
 Thomas Eddy  
 Wheaton A. Pooke  
 Philo W. Freeman  
 Stephen Peck  
 Thomas H. Clarke  
 William Staples  
 Francis Cutler  
 James Cutler  
 Otis Ingraham  
 Jacob Briggs  
 Henry Goodwin  
 Stephen Slocum  
 Silas Gleason  
 Lyman Morris  
 James Cargill  
 William Slocum  
 Albert F. Potter  
 Rodman Lewis  
 David Patt  
 Jason Cargill  
 Bowen Wescott  
 Halsey Miller  
 George Cargill  
 Syria Humes  
 Olney Cargill  
 Willis Cook  
 Roderick Holley  
 Wilder Fuller  
 Edward G. Slocum  
 Charles Titus

Ezra Carpenter  
 Alexander S. Bennett  
 Moses T. Humes  
 Samuel C. Whipple  
 George Slocum  
 Levi Carpenter  
 Samuel E. Woodward  
 Joseph Whipple, jr.  
 Barnard Miller  
 Green Mathewson  
 John Irons  
 Zapher Skinner  
 Williams Blanchard  
 Benjamin Austin  
 Joseph E. Dawley  
 Calvin Paine  
 Alvin Bartlett  
 Russell Chase  
 Lewis R. Blake  
 Ebenezer J. Paine  
 Uriah Jones  
 Chester B. Morse  
 Joseph Rose  
 Lyman Pond  
 James Austin  
 Asa Dunham  
 Samuel Wild  
 George Witherell  
 Benjamin Ingraham  
 Abner Crocker  
 Thomas J. Hathaway  
 Richard Smith  
 Benjamin B. Brown  
 Pardon Newell  
 Elhanan Miller  
 James Jackways  
 James H. Harvey  
 James M. Patt  
 Oren Mowry  
 John B. Eggleston  
 John F. Carpenter  
 Norris W. Mathewson  
 John Leach  
 David Whitman  
 Arnold Carpenter  
 Joseph C. Fiske  
 Nathaniel C. Dana  
 John E. Richardson  
 John Eddy  
 Maxcy Miller



## CUMBERLAND—Continued.

Mowry Curtis  
Amaziah Ballou  
Clarke J. Sweet  
Eber Miller  
William H. Fuller  
Charles Fisk  
William C. Cragon  
John Boyden, jr.  
Nathaniel Devereux  
Robert Prentis  
Gideon Angell  
Bela Whipple  
William Spear  
James Whipple  
Edmund G. Hopkins  
Enoch Weatherhead  
Benjamin Luther  
William Aldrich  
Daniel Manley  
Willis B. Taft  
Charles Thayer  
Otis Hall  
John A. Mowry  
Edwin Hixon  
Gardner Warren  
Philip Williams  
Job Cooper  
Nathaniel Sweeting  
Carleton Cushman  
Benajah Allen  
William Dexter  
Amos Kimmings  
Thomas D. Paine  
Zebina Goffe  
Darling White  
Mowry Staples  
Albert Rogers  
Curtis Steere  
Welcome Alexander  
Nathaniel Scott  
Russell Jenckes  
Daniel Jenckes  
William Allen  
Joseph Capron  
Stephen Joslin  
Leprelet Thayer  
William Bartlett  
Welcome A. Whipple  
Albert Barber  
Arnold Paine

William T. Weaver  
David Bartlett  
John Capron  
Lyman Mann  
Nathan Jillson  
Olney Ballou, 2d  
Hiram Allen  
Stephen Whipple  
Eppes W. Aldrich  
Jacob Morse  
Jonathan Wales  
Obadiah Kimball  
Philip Briggs  
Benjamin Bushel  
Loring Saunders  
George B. Lapham  
George H. Law  
Barton Grant  
Elbridge Read  
Joseph P. Childs  
Benjamin Taylor  
Lyman Tourtellot  
Henry Collier  
Hezekiah Cook  
Eleazer Cook  
Reuel Smith  
Willis Jefferson  
Dennis Cruff  
William Freeman  
Oren Smith  
Ellis Cook, 2d  
John O. Preston  
John W. Barrett  
Joshua Aldrich  
Jonathan M. Dow  
Billings S. Farrington  
Henderson Rowell  
German Potter  
George W. Weekes  
Otis P. Handy  
Lewis W. Jillson  
George Robinson  
James M. Taft  
James Verry  
Willard Ballou, 2d  
Eseck Cook  
Henry A. Anthony  
Charles Wheaton  
Elijah Darling  
John Cass

## CUMBERLAND—Continued.

Welcome Cook  
 Joseph R. Hardin  
 Joseph M. Perkins  
 Nathan Ballou  
 Simeon Lilley  
 George J. Hawkins  
 Willard Joslin  
 Barton Clarke  
 John Armstrong  
 Welcome Darling  
 Sandford Aldrich  
 Ira Lee  
 Albin G. Reynolds  
 Elisha Gaskill  
 Henry Morris  
 Thomas W. Bishop, jr.  
 Isaac Bennett  
 Elias Nickerson  
 Levi F. Leonard  
 Benjamin Horton  
 Stephen Northup  
 Horace Goff  
 Edwin Hagan  
 James Cole, jr.  
 Seth Clarke  
 Otis Fisher  
 Daniel A. Thompson  
 Levi Carpenter  
 James B. Parker  
 Otis Shepardson  
 Joel P. Harris  
 William F. Harris  
 Alfred Randall  
 Luther C. Pitcher  
 Frederick Sibley  
 Joshua Clarke  
 Jacob Dunham  
 Giles E. Greene  
 James Chase  
 Ira Sayles  
 Oren Dexter  
 Alfred P. Dunham  
 Joseph Matteson  
 Amos Lane  
 William Langley  
 William Rude  
 Samuel Whipple  
 Richard Mowry  
 Allen Smith  
 George Wellman

Jona. Fisher  
 Ebenezer Fuller  
 Samuel G. W. Alexander  
 James O. Whipple  
 Naaman Fuller  
 Jonah Razee  
 Nathaniel Humes  
 Samuel Gorton  
 Randall O. Mowry  
 Levi T. Cheever  
 Levi Weatherhead  
 Levi Simmons  
 Benjamin Slocum, jr.  
 Squire Fiske  
 James Titus  
 John Hopkins  
 John Craig  
 Augustus Millard  
 Milton S. Morse  
 Crawford Potter  
 Russell Miller  
 Barton Cargill  
 William Cargill  
 Ezekiel Staples  
 John E. Bishop  
 John M. Walcott  
 Alexander Thompson  
 James Thompson  
 George A. Howard  
 Nahum Cook  
 Sylvester R. Whipple  
 Simeon Stedman  
 William Follett  
 William C. Harrington  
 Jabez Newell  
 H. D. Walcott  
 Darius Fisher  
 Arnold Staples  
 Solomon Peck  
 Eddy C. Smith  
 John Whipple  
 Willard Grant

Qualified,	293
Not qualified,	599
Total,	<u>892</u>

## No. 109.

## VOTERS IN BURRILLVILLE, PROVIDENCE COUNTY.

Ziba Phetteplace  
 Joseph Clark, jr.  
 Alfred Lapham  
 Stephen Evans  
 David Phetteplace  
 Robert P. Dean  
 Jonathan Lackey  
 Joseph Clarke  
 Smith Mathewson  
 Asael Keech  
 Eddy B. Ballou  
 Charles S. Smith  
 Erastus Mathewson  
 John B. Mathewson  
 Rowland Mathewson  
 Solomon Smith  
 Duty Lapham  
 William Stone  
 Cyril Paine  
 Othniel B. Young  
 Asael Bullard  
 Othniel Young  
 Elisha Mathewson  
 Aaron Phillips  
 John Mathewson  
 George Harris  
 Welcome Mathewson  
 Martin S. Salisbury  
 Joseph Ballou  
 Layton Casswell  
 Dennis H. Smith  
 Duty Salisbury  
 Alexander Salisbury  
 William Howard  
 Moses Taft, jr.  
 Olney Inman  
 Benjamin Brown  
 Darling Mathewson  
 Hiram Ross  
 Silas Howard  
 John Chase  
 William Stanfield  
 Sylvester Mowry  
 Joel Thompson  
 Dennis Paine  
 Samuel Smith  
 Esten Angell  
 John Salisbury

Noah Shumway  
 Harris C. Sayles  
 Amos Stone  
 Marcus Eddy  
 Washington Logee  
 Mowry S. Inman  
 George W. Taft  
 John Smith  
 Albee White  
 Willard Steere  
 Elisha Taft  
 Almon Paine  
 William Clarke  
 Stephen Esten  
 Alfred L. Comstock  
 Jesse Comstock  
 Abner Inman  
 James Inman  
 Elisha Darling  
 Willard Ballou  
 Caleb Comstock  
 Smith B. Walling  
 Silas Comstock  
 Amasa Ballou  
 Arnold Sayles  
 Elam Inman  
 George W. Sheldon  
 Willard A. Mowry  
 Nathaniel Jenckes  
 John Darling  
 Emor B. Comstock  
 Jason Olney  
 Abm. Baker, jr.  
 Francis H. Inman  
 Otis W. Bly  
 Silas A. Comstock  
 Sabin Brown  
 Josiah R. Hill  
 Charles Brown  
 Jeremiah Mowry  
 Jason Jenckes  
 Asa Walling  
 Eddy Keech  
 Edwin W. Walling  
 Enoch Thayer  
 Isaac Walling  
 Isaac W. Thayer  
 Smith Mowry



## BURRILLVILLE—Continued.

George W. Jenckes  
Israel Tucker  
James Ballou  
Warren Walling  
Alfred Hicks  
John Whipple  
Burrill Logee  
Mowry White  
James Paine  
Daniel Mathewson  
Enoch Harris  
Alfred Albee  
Sanford Brown  
James Brown  
John C. Trask  
Ezekiel Phetteplace  
Cyrus Williams  
Nelson Paine  
Stephen Phillips  
Jonathan Arnold  
Mowry Walling  
Caleb B. Mowry  
Moses Gould  
Welcome Ballou  
Theron Steere  
Ephraim Young  
Noah White  
Leander Smith  
George Inman, jr.  
Lyrie Lampson  
Lorenzo Lackey  
Coomer Smith  
William Hicks  
Smith Wood  
Joseph Esten  
David Ballou  
Aaron Esten  
Martin Phetteplace  
Mowry Lee  
Sayles B. Phillips  
Jesse Morvell  
Alonzo Gleason  
Levi Battey  
Dewitt C. Remington  
Stenson W. Smith  
Manson Phillips  
James Wood  
Smith Preston  
Lyndon Hix  
Henry A. Alexander

David Covell  
John Briggs  
Lawton Wade  
Benjamin M. Paine  
Merril Elbridge  
Charles Wight  
Adin Steere  
John Walden  
Royal Keith  
Lorenzo P. Ward  
Joseph Ballou, jr.  
Reuben Albee  
Stephen Clarke  
Olney W. Fairfield  
Sanford H. Bowdish  
John Casswell  
Joseph Oatley  
Daniel M. Brown  
George S. Hopkins  
Willard D. Spaulding  
Jeremiah Smith  
Moses B. Salisbury  
Lyndon Fairbanks  
Francis Callahan  
Simeon B. Marsh  
Francis Reynolds  
Benjamin H. Johnson  
Allen Bowen  
Amos Taft  
Enoch M. Taft  
Riley Barnes  
John Brown  
William R. Ballou  
Henry Phillips  
Francis N. Buxton  
Nelson Keech  
George W. Marsh  
Oliver A. M. Smith  
Preserved Greene  
Randall A. Smith  
William S. Hodges  
Oliver Morse  
Samuel Comstock  
Seth Wheelock  
Lewis Harris  
Jirah Ballou  
George W. Darling  
Harris Keech  
Jeremiah E. Tinkham  
George W. Harris

## BURRILLVILLE—Continued.

John Crossman  
 Elias Mowry  
 Walter P. Smith  
 Elisha Brown  
 Emor C. Smith  
 Arnold Paine  
 Russell Straight  
 William Gould  
 William Bellows  
 Camarial Y. Smith  
 Dexter Crossman  
 Moses L. Batchellor  
 Thomas F. Handy  
 Jonathan Harris  
 Daniel J. Pickering  
 George W. Whipple  
 Alexander B. Hunt  
 Nathan Williams  
 Harrison Darling  
 Ransom Inman  
 James P. Washburn  
 Joseph Carroll  
 Daniel Young  
 Stephen Mitchel  
 Amos Arnold  
 Joseph Mowry  
 Silas Mowry  
 Josiah S. Thayer  
 Isaac W. Darling  
 Dennis Inman  
 William S. Mowry  
 Otis P. Davis  
 Simeon Hix  
 Moses Batchellor  
 Irad Lapham  
 Stephen Handy  
 Alexander Batchellor  
 Zebedee Anthony  
 Sterry Young  
 Benjamin Phetteplace  
 George Waldron  
 Nathan Gleason  
 Abram Sayles  
 George W. Williams  
 George W. Esten  
 Ezekiel Young  
 Jason Young

Arthur Barnes  
 Edwin C. Sayles  
 Chauncey Ballou  
 Richard A. Armstrong  
 William Brown  
 William H. Cutler  
 Benjamin C. Mitchell  
 Jedson Young  
 Nelson Keech, jr.  
 Charles L. N. Lyttleton  
 Richard B. Taft  
 Joel Taft  
 Cyrus Albee  
 Abram Tourtellot  
 Arnold S. Irons  
 Asael Stone  
 Moses Cooper  
 Henry Hapgood  
 Uriah H. Read  
 Stephen Paine  
 Eliphalet Bailey  
 Collins Keith  
 Warren Darling  
 Luther S. Keith  
 William Waterman  
 William Knight  
 Augustus Wilcocks  
 Wellington Young  
 Thomas Ballou  
 Lewis S. Bailey  
 Augustus Durfee  
 Josiah B. Stratton  
 Stephen Chauncey  
 Simeon Phetteplace  
 Joseph H. Hold  
 Stephen Harris  
 Dexter Taft  
 Arca Thayer  
 Ezek Phetteplace  
 Lewis Smith

Qualified,	134
Not qualified,	149
Total,	<u>283</u>

## VOTERS IN GLOCESTER, PROVIDENCE COUNTY.

George J. Winsor  
Nelson Ballou  
Thomas Sunmore  
Henry Angell  
Jacob Davis  
Asa Hawkins  
Archibald Pray  
Mathewson Andrews  
Sayles Brown  
Hugh Pray  
John Paine  
Frederick A. Squiers  
Caleb Bradley  
Lawton Owens  
Obadiah Winsor  
James B. Reynolds  
George G. Hawkins  
Henry S. Taylor  
Gideon Durfee  
Jonathan A. Tourtellot  
Joseph B. Waldren  
Cyrus Winsor  
Joseph F. Thornton  
Samuel Phillips  
Asa Greene  
Riley C. Shippey  
James Irons  
George Eddy  
Stephen A. Brown  
Jervis J. Smith  
William Gross  
William Wilcox  
Thomas P. Sweet  
Smith Peckham  
Dexter Davis  
Albee Bellows  
Zenas Andrews  
Otis Dexter  
Lawton C. Rounds  
Darius Darling  
Jeremiah Mathewson  
Franklin B. Mowry  
Joseph Andrews  
Joshua Bowen  
Artemas Smith  
Amasa Eddy, jr.  
Samuel Durfee  
Jesse Irons

Ezekiel Bishop  
Joseph W. Sheldon  
William Aldrich  
Isaac Winsor  
Benedict Aldrich  
William Winsor  
Jarvis Smith  
Seril Bowen  
Samuel Blackman  
Jonathan Davis  
Zephaniah Bishop, jr.  
Penuel Bassett  
Albert Eddy  
Esaias Pray  
Daniel Clarke  
Samuel Mowry  
William Hopkins  
Gideon Smith  
Reuben Place  
Asahel Steere  
Jesse Phetteplace  
Arnold Eddy  
David Coman  
John Gross  
John W. Wood  
Harris W. Colwell  
Timothy Sweet  
Jedediah Sprague  
Benedict W. Shippey  
George N. Turner  
Sabin Durfee  
Horace Sprague  
John S. Durfee  
Hiram Hopkins  
George B. Wood  
John Gross, jr.  
Benajah Dyer  
William Davis  
Alexander Eddy  
Jeremiah S. Lawrence  
Nehemiah Clements  
Thomas O. Evans  
Joseph C. Medbury  
Davis Hill  
Ira W. Steere  
George Frissell  
Oliver Greene  
Willis Bowen



## GLOUCESTER—Continued.

William S. Potter  
George L. Owen  
Amasa Smith  
George R. Sayles  
Jesse S. Tourtellot  
Zattara Paine  
Allen Hawkins  
Potter Steere  
Solomon A. Owens  
Otis Wellman  
Reuben Place, jr.  
Henry O. Burlingame  
Wanton Potter, jr.  
Amos Hawkins  
Jeremiah Sweet  
Samuel Y. Atwell  
Albert S. Peckham  
Charles Andrews  
Samuel Davis  
Thomas N. Gleason  
Samuel Burgess  
Ishmael Sayles  
Charles A. Slocum  
Joseph B. Smith  
George H. Brown  
Ziba Olney  
William Young  
Clovis H. Bowen  
Manning H. Angell  
George Emerson  
Dexter Walling  
Jason Clements  
Hiram S. Kelley  
Julius Reynolds  
William Kenyon  
William Allen  
Otis Thornton  
Erastus Polk  
Edwin Phillips  
Abel Whitaker  
Otis Clements  
David Bowen  
George V. Austin  
Simon Phillips  
Dutee Green  
Henry T. Brown  
John M. Eddy  
Abijah Slater  
Sprague Hopkins  
William R. Sprague

Elisha Hopkins  
Samuel Phillips, jr.  
Benjamin Smith  
David Page  
Warren Young  
Amos A. Hawkins  
Salisbury Freeman  
Adfer Eddy  
Jonathan Valet  
Nathaniel Sheldon  
Clark R. Straight  
Anthony Place, jr.  
Harris Clements  
Paris O. Davis  
Dwight F. Hammond  
Robert S. Tucker  
Daniel Tucker  
George N. White  
Arnold Capron  
Andrew G. Sweet  
Sabin Mathewson  
Samuel Steere  
Sabin Ballou  
Nelson N. Eddy  
Stephen Walker  
Samuel T. Willard  
Randall Colwell  
Sullivan Daggett  
William Irons  
Jeremiah Sweet, jr.  
Smith Sprague  
Jeremiah Sheldon  
Philip Waldron  
James Reynolds  
James Watermer  
Simeon Baker  
Orrin Stephens  
Paris Owen  
R. K. Webster  
George W. Paine  
Daniel P. Inman  
Anthony Clemmons  
Elisha Chapman  
John Wilkinson  
Stephen Eddy  
Jackson E. Mowry  
Jesse Irons, jr.  
Elisha Keech  
Horace Smith  
James R. Wood

## GLOCESTER—Continued.

Enos Steere  
Squire B. Tucker  
Nathan Place  
Philip Waldron Hawkins  
Martin Brown  
Benjamin Hare  
Dutee Place  
George A. Smith  
Stephen Aldrich  
Aaron F. Spencer  
Alanson Sprague  
William R. Page  
Ethan F. Place  
Nehemiah Angell  
Benjamin Keach  
Edward P. Place  
Benjamin Waterman  
Sabin Adams  
George R. Potter  
Albert Armstrong  
Angell Darling  
James M. Owen  
Mansur Shippey  
Ezekiel Potter  
Ezra Hawkins  
Benjamin Crossman  
Elijah Bowen  
Russell Kelley  
Rufus Daggett  
Seril N. Daggett  
James B. Preston  
King G. Tucker  
Amasa Potter  
Brayton Vallett  
Samuel Potter  
William Luther  
Amasa Burlingame  
David Whitney  
David Medbury  
Nathan Page  
Jesse Haven  
Bennett Steere  
Paris Wade  
Charles H. Steere  
Effingham Lawrence  
Abel Mann  
Obadiah King  
Esek Harringdeen  
Ira Hawkins, jr.  
Allen Brown

Charles M. Lockwood  
Thatcher Harringdeen  
Aaron Bardeen  
John A. Inman  
Welcome T. Miller  
Jeremiah Pray  
Lyman Corney  
John Briggs  
Orin W. Andrews  
Joseph C. Keech  
Alfred Keech  
Augustus Irons  
Levi Covill  
Benjamin Cook  
Caleb Blanchard, jr.  
Ebenezer Aldrich  
Henry Gross  
Obed Seaver  
Horace Vallet  
George Olney  
Stephen Hawkins  
William Dudley  
Joseph P. Sweet  
David W. Smith  
John McBride  
Lyman Bowen  
Orin Reynolds  
James Sprague  
Ira Potter  
Jeremiah Andrews  
Lyndon Smith  
Seril Paine  
Azaniah Cutler  
William Gleason  
Joseph C. Steere  
Eddy Evans  
Emory Swift  
Wanton Potter  
Jonathan Paine  
Silas Baker  
Horace Bardeen  
Haile Sayles  
Amos Eddy  
Sabin Owen  
Elijah W. Preshoe  
George Smith, 2d  
Darling Medbury  
Caleb E. Tucker  
George Chappell  
Nicholas Tucker

## GLOCESTER—Continued.

Simon Brown  
William H. P. Smith  
Coomer Soule  
Edward Babbitt, jr.  
Horace W. Keech  
Silas Aldrich  
Gardner Lewen  
David Bowen, sen.  
Edward Cook  
David Young  
Cyrus Farnum  
Randall Davis  
Almon Steere  
Obadiah Smith  
Hiram Mathewson  
Winsor Colwell  
Thomas R. Eddy  
Russell Harrington  
William Wade  
Antony Sprague  
Juni Irons  
Nathan Young  
Leonard N. Austin  
Robert Bennett  
Frank Trask  
John P. Moffitt  
John Moffitt  
James Bowen  
Ephraim Pray  
Arnold M. Bowen  
Welcome Barnes, jr.  
Caleb D. Bardith  
George Saunders  
Nelson Armstrong  
Jeremiah Steere  
Mason W. Evans  
Darling S. Durfee  
Spencer Smith  
Jesse Steere  
Thomas Irons  
Robert Paine  
Colwell Irons  
Orrin Vallet  
Adolphus Thayer  
William Steere  
Wyman Cutler  
George Sprague  
Willard Wade  
Nathaniel Bowdish  
Anthony Place

Simeon Place  
Perry Cole  
Wilson Daggett  
Tertullus Millard  
William Colwell  
Harris Keyes  
Horace Kimball  
Wheaton Bowen  
Arthur Wade  
Jeremiah Pray  
Jeremiah Smith  
John A. Law  
William Brown  
Reuel Place  
Parley Young  
Hugh Pray  
Rhodes Page  
Daniel P. Spencer  
Esek Burlingame  
Rufus West  
Joseph Wilmarth  
John Sprague  
Elisha Farr  
Clovis H. Eddy  
Orrin Smith  
Maxson Woodmancey  
Peleg Hopkins  
William Dexter  
Joseph P. Smith  
Harding Mitchell  
Simeon Bowen  
Nicholas Bussey  
James Hammon  
Nehemiah Coman  
Abel Wade  
Bowen Smith  
Joseph Mitchell  
Adin Patten  
Enos Ballou  
Nathan Shippee  
Charles Walker  
Henry Trask  
Laban Irons  
Albee Wade  
Olney Eddy  
John L. Smith  
James G. Moffitt  
Richard Boulster  
George F. Cahoon  
John O. Hopkins



## GLOCESTER—Continued.

Joseph Paine	Qualified	-	-	192
Palmer Vallett	Not qualified	-	-	210
Daniel Adams				
Dexter Adams				
Nathan Irons	Total	-	-	402
Amasa Eddy				

## No. 111.

## VOTERS IN FOSTER, PROVIDENCE COUNTY.

Joshua Angell, jr.	Brancis Brayton
Anthony S. Aldrich	George E. Brown
Daniel Austen	James Cole
Lucius Aldrich	Harris Bowen
Esek Aldrich	Otis W. Coop
Stephen G. Albro	Rufus Cole
Joseph T. Anthony	Jonathan S. Cole
William Arnold	Silas Cole
Anan Aldrich	Israel Cole
Samuel Adams	Orison Cole
Harris W. Aldrich	David A. Chapman
Sylvanus Albro	Brayton H. Cole
Elliot Button	George A. Cole
Simeon G. Bennett	William Cole
Calvin Brown	Sterry Cahoon
George V. Bennett	Ezekiel Colwell, jr.
Israel Bennett	Horace S. Cole
Abraham Bennett	Serill Cornell
Silas Battey	William L. Carpenter
Ichabod Bennett	Daniel Cole
Alpheus Bowen	Joseph C. Cooke
Charles Bowen	Samuel D. Cole
Lionel Bennett	Joseph H. Corp
Sampson Battey	George Cornell
William Brown	Richard S. Cross
Angell P. Boss	Othniel Davis
Andrew Brown	Abraham Dorrance
Frederick A. P. Bacheldor	Benjamin Dexter
James M. Blanchard	William Drown
George Bennett	James Dorrance
Cyril C. Bowen	Abraham S. Durfee
Nathan Bennett	King Easton
Asaph Bowen	Jonathan Earle
Olney Burgess	Ira Eddy
Daniel Battey	Sterry Frye
Leonard Burgess	Obadiah Fenner
George Burgess	Robert C. Fuller

## FOSTER—Continued.

Richard Fry  
 Lindsey C. Greene  
 Leander Gleason  
 Otis H. Hopkins  
 John Harrington  
 Arnold Hix  
 Samuel Howard  
 William Harrington  
 Joseph B. Hopkins  
 Otis Hopkins  
 Gideon M. Hopkins  
 Andrew Hopkins  
 Samuel Harrington  
 George E. Hopkins  
 Jonathan Hill 2d  
 Jireh Hill  
 Henry H. Hopkins  
 William Hill  
 Sabin Hopkins  
 Pardon A. Holden  
 Seril Harrington  
 Peleg Harrington  
 Daniel Hicks  
 Emory Hopkins  
 Horace Hopkins 2d  
 Jeremiah Hopkins  
 Ezekiel Hopkins  
 Peter Hopkins  
 Paris Hopkins  
 Amos Harrington  
 James Howard  
 Increase Handel  
 Asahel Hopkins  
 Albert W. Hopkins  
 Alfred Horton  
 Thomas T. Hill  
 George W. Hopkins  
 William Hopkins 3d  
 Baronet Hopkins  
 James Howard  
 Harrison C. Hopkins  
 Horace Ide  
 Elisha Johnson  
 Joshua Jones  
 Alfred S. Jones  
 Asa Jordan  
 Dwight R. Jenckes  
 Smith Jones  
 Freeman Jones  
 Caleb Johnson

Gardner Jordan  
 George Kennedy  
 William E. Kennedy  
 Alexander Kennedy  
 Reuben Lyon  
 Chad Miller  
 Olney Mowry  
 Benjamin L. Medbury  
 Nathan Mathewson  
 John Mathewson  
 James Merithen  
 Dexter Olney  
 Stephen Place  
 Jeremiah Patterson  
 Gardner Phillips  
 Nathaniel Phillips  
 Hanson L. Payson  
 Richard Pray  
 Charles Phillips  
 Horace W. Phillips  
 Samuel Phillips  
 Allen S. Pearce  
 Abraham Place  
 Rhodes Pray  
 Caleb Phillips  
 Jeremiah Phillips  
 Raymond G. Place  
 Atwell Pray  
 Job W. Place  
 Samuel Patterson  
 William Pray  
 Jonathan Pray  
 Peleg Place  
 John L. Randall  
 Olney Randall  
 Eddy Randall  
 Alfred Randall  
 Holden Randall  
 George W. Round  
 Esek Russell  
 Henry Randall  
 John C. Randall  
 Emory Round  
 Asa Round  
 Benoni Round  
 Charles Round  
 Alvin H. Shippey  
 Solomon Shippey, jr.  
 Caleb Seamans  
 Sabin Smith

FOSTER—Continued.

Robert Seamans  
 Olney P. Smith  
 George Slater  
 Solomon Shippey  
 Elijah Seamans  
 Charles H. Searle  
 Richard Salisbury  
 James Stone  
 West Smith  
 Nathaniel Searle  
 Daniel Stone  
 Asa B. Seamans  
 Robert D. Salisbury  
 Charles M. Stone  
 George B. Smith  
 Hezekiah Seamans  
 Robert Saunders  
 Nelson L. Seamans  
 George H. Seamans  
 Charles Salisbury  
 Othniel Saunders  
 William Seamans  
 Joshua Turner  
 John Taylor  
 William L. Taylor  
 Dexter W. Tyler  
 William L. Thayer  
 Lyman Tyler  
 William L. Tripe  
 Atwell A. Williams  
 Hiram Wells  
 Cyrill Whitman  
 Charles Walker  
 Nelson T. Wilcox  
 Joseph Wells  
 Stephen Webster

Benjamin Weigh  
 Thomas S. Williams  
 William T. Wood  
 Turner Williams  
 John Weaver  
 Joshua Wells  
 Henry D. Williams  
 Thomas W. Williams  
 Stephen Williams  
 Olney Williams  
 Winsor Wade  
 Xerxes Williams  
 Samuel Whitman  
 Ransom Wood  
 Philip Winslow  
 Abner Winslow  
 Abel M. Wilder  
 Sheldon Williams  
 Daniel Wilcox  
 Otis Williams  
 Samuel W. Weaver  
 Benjamin Wright  
 David Yeaw  
 Sterry T. Young  
 David A. Young  
 Welcome Yeaw  
 Stephen Yates  
 Welcome T. N. Yeaw

Freeholders,	124
Non-freeholders,	113
	1 against
Total,	<u>238</u>

No. 112.

## VOTERS IN SCITUATE, PROVIDENCE COUNTY.

*Freeholders.*

Benjamin Boss  
 Zephaniah Bishop  
 Olney P. White  
 Amos Johnson  
 Alfred Greene  
 James Whipple

James Wilbur  
 George Yeaw  
 Stephen Greene  
 Seth C. Hopkins  
 Albert Olney  
 George Mathewson  
 John H. Eddy  
 Albert Stone,



## SCITUATE—Continued.

James Pollard  
 Josiah Thornton  
 Stephen Dexter  
 Sylvester Taylor  
 Elijah Hawkins  
 Harley Luther  
 Richard Grayson  
 John A. Harris  
 Rhodes Hopkins  
 Alden Round  
 Jesse Corey  
 Jason S. Harrington  
 Charles Morse, jr.  
 Zephaniah Ramsdell  
 George W. Brown  
 Stephen Bowen  
 Jonathan Hill  
 John Bardin  
 Caleb Hill  
 Marinus Collins  
 Solomon Taylor  
 Joshua B. Harrington  
 Russell Smith  
 Charles L. Hawkins  
 Noah Kimball  
 Arthur F. Randall  
 Rhodes Burke  
 Mathewson Smith  
 Stephen H. Olney  
 William Taylor  
 John H. Marble  
 Reuben Johnson  
 Peter K. Taylor  
 William R. Gardner  
 Robert Salisbury  
 John Ramsdell  
 Jeremiah Angell, jr.  
 Samuel Austin  
 Arnold Tanner  
 Charles Griffiths  
 Arnold Austin  
 John Hill  
 William Miller  
 Russell Yeaw  
 Matthew Hill  
 Alpheus Wallen  
 Farnum Hopkins  
 Eliphalet M. Bennett  
 John H. Bardin  
 Jeremiah Dexter

Andrew Waterman  
 James Yeaw  
 Russell Round  
 Isaac C. Bardin  
 Knight Hill  
 John Peckham  
 Benjamin Owen  
 Stephen E. Brown  
 John Graves  
 Levi Fuller  
 Vincent Brown  
 Jeremiah Angell  
 Samuel Baker  
 Allen Chandler  
 Lawton S. Johnson  
 Jarvis Eddy  
 Miles O. Pray  
 Flavel Patterson  
 Richard K. Thomas  
 Isaac H. Place  
 Ezra R. Wilbur  
 James Healey  
 Arnold Salisbury  
 Knight Wilbur  
 William Miller, 2d  
 Jerry S. Battey  
 Douglas F. Briggs  
 Burrill Brown  
 Robert Knight  
 Jesse B. Tucker  
 Alexander Allen  
 Benedict Johnson  
 Christopher Fenner  
 Joab Wood, jr.  
 William P. Olney  
 Mathewson Wilbur  
 Simon Mathewson  
 Richard Olney  
 Arthur F. Aldrich  
 George W. Winsor  
 Horace Martin  
 Charles A. Harris  
 Abel E. Taylor  
 Henry Yeaw  
 Darius Durfee  
 Stephen Colvin  
 Job Wilbur  
 Morris Durfee  
 Alpheus L. Angell  
 Albert Randall

## SCITUATE—Continued.

David Phillips, 3d  
 Jeremiah Cole, jr.  
 Whitman Steere  
 Isaac Saunders  
 Jonah Titus  
 Joseph W. Warner  
 Ira Bishop  
 Ezekiel Ramsdell  
 Russell Wilbur  
 Wilmarth N. Aldrich  
 Gardner Lyon  
 Harley Fisk  
 Russell Smith, 2d  
 Seneca Brownell  
 Brayton Mowry  
 Parley Round  
 William Eddy  
 John H. Anthony  
 Pardon Tillinghast  
 Jenckes Thornton  
 Aaron Wheeler  
 John Bond  
 Olney B. Steere  
 Anson W. Barnes  
 Albert W. Harris  
 James Farnum  
 Luther Eddy  
 Abel Salisbury  
 Horace S. Patterson  
 Ezekiel C. Hopkins  
 Albert B. Phillips  
 David Mathewson  
 Stephen Randall  
 George A. Rhodes  
 Ezra N. Barnes  
 John W. Cook  
 Stephen Olney  
 William Bellows  
 Daniel M. Harris  
 Cyrus T. Eddy  
 Martin Smith  
 Abner W. Peckham  
 George W. Sherman  
 Joshua J. Rathbone  
 Levi Matteson  
 John A. Budlong  
 Perry R. West  
 Jonathan Potter  
 Peleg Barnes  
 Ezra Potter

Eleazer L. Phillips  
 Joseph Potter  
 Amos Collins  
 George Searle  
 Elisha Williams  
 Stephen Williams  
 Abraham S. Angell  
 Westcott Wilbur  
 Elihu Randall  
 William Hammon  
 Henry Smith  
 Luther Waldren  
 Fenner Smith  
 Nehemiah Randall  
 Nehemiah Wood  
 Samuel Hoyt  
 Christopher War  
 Arnold Colwell  
 John Battey  
 William Hill  
 Stephen Hill  
 Lyman Hanks  
 Joshua Rathbone  
 Jeremiah P. West  
 George Mattison  
 John Harrington  
 Patrick Kelley  
 Orrin L. Battey  
 Nathaniel Hill  
 Anthony K. Potter  
 William B. Mattison  
 Enoch Place  
 James Williams  
 Sylvanus Moffitt  
 Henry Williams  
 Job Angell  
 John Davis  
 Robert Round  
 Pardon Angell  
 David Wilbur  
 Caleb T. Place  
 Richard C. Young  
 Solomon Angell  
 John Gee

*Non-Freeholders*

Peleg R. Davis  
 Jacob W. Warner  
 Joseph Ney

## SCITUATE—Continued.

Albert G. Harris  
 George Smith  
 William W. Warner  
 James E. Hawkins  
 Samuel A. Winsor  
 Gardner Gibson  
 Curtis Cornan  
 William Roberts  
 Joseph Bigford  
 Jonathan E. Randall  
 Dean Kimball  
 Charles Potter  
 Cyrus Leach  
 William N. Fisk  
 Zadok Luther  
 James E. Hawkins, jr.  
 William Field  
 John G. Bowen  
 Stephen R. Davis  
 Valentine Whitman  
 Richard Howard  
 Horace Steere  
 George W. Brown  
 Albert Yeaw  
 William P. Bates  
 James L. Bushee  
 Paris Latham  
 Hartford Marshall  
 Harley Colwell  
 Seth S. Bennett  
 Dennis H. Graves  
 Pentecost Sweet  
 Larey Nichols  
 Rufus Potter  
 Edmund Burton  
 Holden Colvin  
 Gorton Wescott  
 Stephen Davis  
 Thomas Fenner  
 Harrison White  
 Russell Eldridge  
 William Cahoon  
 Abraham Angell  
 Arnold Angell  
 Bradford W. Johnson  
 Ziba Steere  
 George R. Yeaw  
 Phillip Wells  
 George Baker  
 Smith Edwards

George J. Foster  
 William O. Austin  
 Arthur Arnold  
 Cyrus Tinkham  
 George S. Knowlton  
 James A. Harris  
 Arnold Colvin  
 George W. Taylor  
 Job W. Bardeen  
 Stephen W. Hawkins  
 Olney H. Austin  
 Joseph Smith  
 Rufus Ammidown  
 Ambrose Rathbone  
 Willard Walker  
 Stephen M. Olney  
 John Matteson  
 George Simmons  
 Waterman Tinkham  
 William R. Stone  
 Asabel Stone  
 Ira Conee  
 John McDonald  
 Benjamin Angell  
 Arnold Moffitt  
 Thomas Winsor  
 Zennis Stedman  
 Asabel Battey  
 Lewis Peck  
 George H. Sayles  
 Stephen Hawkins  
 Stephen Hill, 2d  
 Samuel West  
 George Cahoon  
 Joseph L. Hill  
 Billings C. Kane  
 Timothy M. Hopkins  
 Henry B. Robertson  
 Warren S. Ballou  
 William A. Bishop  
 Daniel O. Bates  
 Oliver H. P. Hawkins  
 William H. Hall  
 Thomas Hawkins  
 Elisha Wilbur  
 Henry E. Sweet  
 John Fisk  
 Enoch Hix  
 Albert A. McDonald  
 Austin Penfield



## SCITUATE—Continued.

Robert Walker  
 Nathan B. Graves  
 E. K. Potter  
 Otis Mattison  
 Ira Colvin  
 Albert Dean  
 Darius Johnson  
 William Rice  
 Jonathan P. Davis  
 William H. Hyde  
 Harvey Suydam  
 William C. Gavitt  
 William H. Brayton  
 Jonathan K. Fisk  
 Richard M. Grayson  
 Asa S. Kelly  
 Elisha Lawrence  
 John L. Tinkham  
 Dutee S. Steere  
 Henry W. Dana  
 Lyman Remington  
 Ebenezer Williams  
 Thomas W. Hills  
 Otis Whitman  
 George W. Stone  
 Benjamin Bentley  
 Joseph Dawley  
 George H. Burlingame  
 Thomas Leonard  
 Lyman Ross  
 Stephen W. Wood  
 Josiah K. Weaver  
 George Hall  
 George Adams  
 James Tucker  
 Jeremiah C. Stone  
 Arnold W. Brown  
 Horace Cahoon  
 Nathaniel Tucker  
 Arnold Cole  
 Sterry Fisk  
 Erastus Stephens  
 Arnold Mills  
 George Trim  
 Emory G. Harrington  
 Daniel A. Clarke  
 Hiram W. Potter  
 Joshua Harrington  
 Job Johnson  
 Harley P. Bardin

Horace Mason  
 Abel Tanner  
 James Chadwick  
 Simeon Harrington  
 Larkin Stone  
 Philip Mathewson  
 Manchester B. Taylor  
 George Boomer  
 William N. Fisk  
 Daniel Angell  
 Horatio N. Angell  
 Joseph S. Manchester  
 Harley W. Pray  
 Ichabod Potter  
 Ellison Buckminster  
 Otis N. Angell  
 Marvin M. Leavens  
 Benjamin Right, jr.  
 Job Wilbur  
 William H. Jenckes  
 Amasa Simmons  
 William G. Smith  
 William Bishop  
 Jeremiah Hierlihy  
 Philip C. Aldrich  
 Albert Anthony  
 Marcus Cornell  
 William H. Marsh  
 William A. Roberts  
 Welcome A. Patt  
 William King  
 Charles H. Brownell  
 William S. Blackmar  
 Richard Blackmar  
 Horace A. Sprague  
 Daniel Mathewson  
 James Mathewson  
 George Davis  
 Waterman Green  
 Paschal D. Aylesworth  
 Horatio Hopkins  
 Charles Angell  
 Harrison L. Brastow  
 Anthony O. McDonald  
 Benjamin Potter  
 James Graves  
 Mathewson Steere  
 William Saunders  
 Amasa Abbott  
 George Collins

## SCITUATE—Continued.

Rufus A. Cole  
 Martin Luther  
 Ephraim Staples  
 Horton Staples  
 Benjamin B. Aldrich  
 George Hubbard  
 John Woodman  
 George W. Lawton  
 William R. Brown  
 George B. Hutchens  
 Franklin Remington  
 Joseph W. Thompson  
 Daniel C. Moffit  
 Wheaton Knight  
 Andrew Mathewson  
 William A. Brownell  
 Paschal Handy  
 William Putnam  
 Lyman Fox  
 Benoni Raudall  
 Stephen Angell  
 James M. Dawley  
 James O. Battey  
 Harrison Chamberlin  
 David Phillips, jr.  
 Alfred B. Mowry  
 Joshua Angell  
 Daniel Davis,  
 Job Steere, 2d  
 Sterry Davis  
 William A. Baker  
 William H. May  
 Israel White  
 William G. Bentley  
 Samuel Wright  
 Elisha Partridge  
 William A. Potter  
 Nathan B. Wright  
 Nathan Case, jr.  
 Samuel Salisbury  
 Jeremiah Smith  
 William Gorton  
 William Collins  
 William W. Spencer  
 Angell Austin  
 John Capron  
 James Fenner  
 John J. King  
 Arnold Chappell  
 Abm. Norwood

Elisha Phillips  
 Edmund Monroe  
 Nathan Potter  
 John Miller  
 Thomas E. Eldridge  
 Daniel Austin, jr.  
 Nathan Staples  
 William B. Hammond  
 Josiah Brown  
 William Corbin  
 Pardon A. Phillips  
 Harris O. Brown  
 Horatio N. Battey  
 Nelson Wade  
 David Mathewson  
 Alexander Lovell  
 Alexander Lovell, 2d  
 Albin C. King  
 Hawkins B. Wood  
 Gardner Cahoon  
 Zephaniah Hill  
 Albert Martin  
 Ransom Pooler  
 John Whipple  
 Allen Rogers  
 Lewis Seamans  
 Ira Manchester  
 William Bellows  
 Alva Dunham  
 Owen Potter  
 Samuel A. Eldridge  
 Robert S. W. Hopkins  
 Sheldon C. Potter  
 Lawton Wright  
 Emory Walker  
 Othniel Saunders  
 George Eldred  
 Daniel Seamans  
 George B. Salisbury  
 Emory Smith  
 William A. Colwell  
 Jeremiah Seamans  
 Ira Ingraham  
 John Eldred  
 Aaron M. Hall  
 Lorenzo D. Oatley  
 Stephen Collins  
 Anthony Young  
 James Westcott, jr.  
 Edward S. Young

## SCITUATE—Continued.

Dennis Arnold  
Joseph C. Jacques  
James Howard, 3d  
Josiah Randall  
David Kelly  
Andrew T. Farell  
Nelson Luther  
George Congdon  
John A. Randall  
John Mathewson

George Cole  
Riley Cole  
Thomas Hopkins

Freeholders	-	-	208
Non-freeholders	-	-	316
Total	-	-	<u>524</u>

## No. 113.

## VOTERS IN JOHNSTON, PROVIDENCE COUNTY.

Richard Angell  
William H. Arnold  
John Alverson, jr.  
Ezekiel Angell  
Olney Angell  
Merritt Angell  
Olney W. Angell  
Burrill Arnold  
Angell Austin, jr.  
Philip Angell  
Silas Allen  
Abm. L. Atwood  
Samuel Aldrich  
William Albro  
Palmer Austin  
Elijah Angell  
Benjamin Andrew  
Crawford G. Andrew  
Charles Atwood  
Thomas J. Abbott  
Daniel Bishop  
Joseph Blanchard  
Darius B. Bigort  
Alpheus Blanchard  
Jeremiah Bishop  
Mowry A. Bellows  
Nelson Barnes  
Dexter Barnes  
Barton Bennett  
George H. Blendell  
Jeremiah Briggs  
Thomas Bassett  
Andrew Benson  
Israel M. Bowen

Parley Batchelder  
Hosea Bicknell  
Gridley Barnum  
John B. Braon, jr.  
Bonaparte Bates  
Wendell Barrows  
Charles Bennett  
Jeremiah Brailey  
William B. Brayton  
John O. Brown  
Zenah Bliss  
Harris Brown  
Jeremiah Cole  
Henry Cole  
Charles Calder  
James L. Calder  
William Cary  
Avery Chase  
Joseph Clarke  
Giles Chase  
James B. Case  
Otis Clements  
Nathan D. Corey  
Joseph H. Davis  
Robert Devereux  
Isaac S. Devereux  
Patrick Douglay  
Nathan Davoll  
Alfred Davis  
Nathan Eddy  
Jehu Evans  
Anthony Earle  
Henry Fenner  
John Farnum



## JOHNSTON—Continued.

Zachariah French  
 William W. French  
 Stephen Fenner  
 Jabez W. Fenner  
 Henry Fisk  
 William Fenner, jr.  
 John Farnum, jr.  
 George Fenner  
 Cyril Fenner  
 Arnold Franklin  
 James Fenner  
 Samuel Fenner  
 Otis Fenner  
 Daniel Fisk  
 Silas S. Franklin  
 Selah Ford  
 James Fenner  
 John L. Fenner  
 Thomas A. Greene  
 William Gordon  
 John Gordon  
 Charles Gordon  
 George Gunnison  
 Emanuel Gardner  
 Henry A. Griffins  
 George S. Gallop  
 Martin Gallop  
 George J. Harris  
 Elam S. Holloway  
 Edward A. Hopkins  
 Pardon Hopkins  
 Weeden Holloway  
 Joseph Higgins  
 Ezekiel Hopkins  
 Benjamin Hall  
 Russell Hall  
 George L. Horton  
 Ezekiel Holbrook  
 Joseph Holbrook  
 Gardner B. Hammond  
 Joel P. Harvey  
 Jarvis Hopkins  
 Abm. L. Howard  
 William H. Hastings  
 Whipple A. Hendrick  
 Joseph R. Harrison  
 William T. Hastings  
 Perry L. Hopkins  
 James Harrison  
 John M. Hart

Benjamin M. Hawkins  
 Isaac Howell  
 William R. Holloway  
 John Hawke  
 Samuel Irons  
 Horatio N. Irons  
 Elisha Irons  
 Stephen Johnson  
 Anthony Jones  
 Levi Jenckes  
 Oliver C. Johnson  
 Robert S. W. Joslin  
 Welcome Johnson  
 Edwin C. Kelly  
 Earle Knight  
 Benoni Knight  
 James King  
 Sterry Knight  
 Jacob Knight  
 James Kingsley  
 Joseph Kingsley  
 Jackson W. O. King  
 Pardon King  
 William L. Kelley  
 Jeremiah King  
 Miranda Kimball  
 Dexter Knight  
 Dyer Kingsley  
 Dyer Kingsley  
 Stephen King  
 Harris Kelley  
 Albert A. G. Kendall  
 Hanson Kelley  
 John Kelton  
 William B. King  
 Sion Kelton  
 Sanford Knight  
 Charles Knight  
 Edward Kenyon  
 Benjamin Knight  
 William Latham  
 Thomas W. Latham  
 Abm. Lewis  
 Ashel Luther  
 Calvin Luther  
 Elisha Luther  
 Paris Mathewson  
 Benjamin Meriwether  
 George E. Munson  
 Asa Mathewson

## JOHNSTON—Continued.

Caleb Mathewson  
 Olney Mathewson  
 George G. Mathewson  
 Abner C. Manchester  
 James Mathewson  
 Jonathan Meriwether  
 Augustus Moffitt  
 Henry Millett  
 William Mathewson  
 Joseph Mathewson  
 Charles C. Mathewson  
 Carlo Martin  
 Philip Mathewson  
 Benjamin O. P. Mathewson  
 Amasa Nicholas  
 Caleb Newell  
 Benjamin C. Olney  
 William Olney  
 Esek Olney  
 John R. Peck  
 Alvin Pray  
 Benjamin Peck  
 A. G. Place  
 Beriah Potter  
 Jesse Potter  
 Alfred Parker  
 Daniel Pettis  
 James Paine  
 Thomas Paine  
 Alexander C. Pierce  
 Elijah Potter  
 Smith Phillips  
 Isaac M. D. Pike  
 John H. Paine  
 Ashael Paine  
 Jonathan Patt  
 Charles Proctor  
 Nathaniel Palmer  
 Zachariah Place  
 Henry Proctor  
 John Place  
 Fenner Potter  
 John Rhodes  
 Hezekiah Randall  
 Abel Reynolds  
 Jeremiah Rounds  
 George W. Remington  
 William H. Randall  
 John H. Rathbone  
 Horatio N. Rose

William Rice  
 Elkanah Rice  
 Gilbert Read  
 John P. Remington  
 Asahel H. Robinson  
 Joseph B. Randall  
 Abner B. Rogers  
 George Read  
 Caleb B. Remington  
 Francis Randall  
 William W. Remington  
 George B. Randall  
 Edward S. Rhodes  
 George W. Randall  
 Stephen W. Remington  
 George Randall  
 Stephen Sweet  
 David F. Sweet  
 William Smith  
 Orrin Sweet  
 Lewis G. Smith  
 Stephen T. Stone  
 Daniel Sumner  
 Thomas Simpson  
 Hezekiah Smith  
 Anthony Smart  
 Henry Stone  
 Peter S. Stone  
 Richard Shearman  
 Daniel A. Sweet  
 William L. Smith  
 William W. Steere  
 Amasa Sweet  
 Augustus D. Sprague  
 William G. Shearman  
 Cyrus Stone  
 Daniel Steere  
 Philip Salisbury  
 Thomas S. Smith  
 John Steward  
 Enos Sweet  
 Philip A. Sweet  
 William K. Smith  
 Robert B. Stravens  
 Ebenezer Sprague  
 Otis Simmons  
 William C. Sweet  
 Isaac F. Salisbury  
 George Septon  
 James W. Smith

## JOHNSTON—Continued.

Daniel O. Smith  
 Nathaniel Sweet  
 Seril E. Sweet  
 William B. Smith  
 Isaac Swain  
 Ezekiel Smith  
 A. G. Sherman  
 Roswell Saltonstall  
 Gilbert Septon  
 Benjamin Sweet  
 John Snell  
 John W. Sweet  
 Christopher Thornton  
 Allen Taylor  
 Nathaniel J. Taylor  
 Jeremiah Thornton  
 Randall Tallman  
 Isaac Thornton  
 Arnold Thomas  
 Silas Thornton  
 Ethan S. Thornton  
 James H. Tobey  
 Ira Thurber  
 Christopher E. Thornton  
 Richard Thornton  
 Laban Thornton  
 Silas Thurber  
 William Thornton  
 Paris Thornton  
 Daniel Thornton  
 Benjamin Thornton  
 William M. Vallett  
 Resolved Waterman  
 Laban C. Wade  
 George A. Williams  
 Nehemiah R. Waterman  
 William B. Whipple  
 Pardon White  
 Cyril Waterman  
 E. W. Walker  
 Charles S. Winsor  
 Oliver C. Williams  
 Benjamin Waterman

Benoni Waterman  
 Augustus S. White  
 Joseph C. Webb  
 Marvin H. Walker  
 Seril Winsor  
 Jonathan P. Wescott  
 Nicholas Waterman  
 George F. Williams  
 Benoni Wescott  
 Ephraim Winsor  
 John Wescott  
 Edward Williams  
 George H. Williams  
 Samuel White  
 George G. Warner  
 Corner Waterman  
 Granville S. Williams  
 Gideon B. Waterman  
 Henry Whitford  
 Thomas W. Williams  
 Job Waterman  
 John White  
 Ira Williams  
 Ames L. White  
 Charles Waterman  
 Jeremiah R. Waterman  
 Henry S. Waterman  
 James Williams  
 Stephen West  
 Albert Waterman  
 William B. Whiting  
 George Wellman  
 Elias Wilbur  
 Isaac Winsor  
 Hiram Young

Qualified,	136
Not qualified,	210
Total,	<u>346</u>



## VOTERS IN THE TOWN OF NORTH PROVIDENCE.

Armington, Samuel  
Angell, Lemuel  
Austin, Eldred  
Aldrich, Molton W.  
Albro, Henry  
Aldrich, Gideon  
Angell, Daniel  
Albro, Henry R.  
Albro, Arnold  
Armington, John M.  
Andrews, William  
Angell, Alfred  
Angell, Henry  
Angell, James  
Angell, Fenner  
Albro, Joseph  
Albro, Jonathan  
Atwood, Thomas H.  
Angell, Joseph, jr.  
Angell, Joseph  
Angell, Cushing  
Anthony, Alfred  
Angell, Elisha O.  
Anthony, Jerome B.  
Andrews, Charles  
Aldrich, William B.  
Andrews, H. R.  
Arnold, Joseph  
Aldrich, Welcome  
Arnold, James  
Amesbury, Jeremiah  
Allen, Joseph W.  
Alexander, Charles H.  
Arnold, Joseph 2d  
Anthony, Bowers  
Aldrich, Andrew  
Alexander, Robert  
Allen, Esek  
Alexander, Whipple  
Alexander, John  
Adams, Abraham H.  
Adams, Arnold  
Armington, Levi  
Angell, Christopher B.  
Arnold, Horace  
Allen, George W.  
Allen, Ira  
Alney, Andrew

Arnold, George  
Anthony, Benjamin  
Angell, Abraham  
Atkins, William  
Benedict, David  
Belknap, William  
Brown, Dexter  
Button, Leonard  
Baker, Richard  
Barnes, Stephen  
Brayton, Benjamin 2d  
Beckford, H. D.  
Briggs, Allen  
Barnes, Edmund  
Benedict, Thomas S.  
Barney, Beriah  
Bascome, Andrew J.  
Burt, Consider  
Belknap, Charles  
Blake, Elliott  
Ballou, Reuben  
Barnes, Tilmerick  
Barnes, John  
Bartlett, Daniel  
Brown, Elisha  
Ballou, Jesse P.  
Burnham, Lemuel P.  
Billington, Robert  
Blue, Ethan  
Baxter, Josiah  
Bowen, Nathaniel  
Brown, Smith W.  
Bullock, L. A.  
Bowden, John  
Bowden, William  
Bailey, Perry D.  
Bailey, Ira  
Bailey, William  
Ross, Manson  
Briggs, John W.  
Bailey, Sylvester R.  
Brayman, Samuel G.  
Balcome, F. F.  
Bennett, Zephaniah  
Booker, George  
Bentley, Isaac  
Benson, John W.  
Brown, Isaac R.

## NORTH PROVIDENCE—Continued.

Bullock, Cyril  
 Boyd, William  
 Burrill, Benjamin  
 Burgess, Joseph  
 Bensley, John  
 Bowen, Levi S.  
 Brown, Jesse  
 Bliss, Samuel P.  
 Bennett, Benjamin  
 Bennett, William H.  
 Bennett, Job  
 Boyd, William H.  
 Bentsley, Samuel  
 Bodwell, Frederick,  
 Burgess, Henry O.  
 Blanding, Abial D.  
 Bates, Daniel  
 Brintley, William  
 Bowen, Nelson W.  
 Bennett, Isaac  
 Bowen, Ephraim  
 Bliss, Albert  
 Bowen Samuel  
 Brown, Samuel A.  
 Bowen, Harvey  
 Brastow, Samuel  
 Burgess, John W.  
 Baker, Sylvanus  
 Brown, Richard  
 Briggs, Hiram A.  
 Bates, George F.  
 Barnes, Thomas  
 Bagley, John  
 Burton, Gideon  
 Brown, Nathan A.  
 Baxter, Asa  
 Booth, Samuel  
 Barber, Adin  
 Brown, Enoch 2d  
 Bowen, George W.  
 Booth, John  
 Bagley, David  
 Brown, Enoch  
 Benford, John  
 Bucklin, Stephen R.  
 Bagley, William  
 Brinton, Olney  
 Blanchard, Gilbert  
 Bre, Charles S.  
 Carpenter, Dwight G.

Capron, Edwin  
 Cozzens, Nelson P.  
 Cozzens, John R.  
 Crowell, Thomas  
 Chase, Asa P.  
 Carpenter, Sumner  
 Chaffee, Samuel B.  
 Cheney, Charles  
 Comstock, Lyman  
 Colwell, Olney  
 Cunliffe, Richard G.  
 Cowing, Martin K.  
 Carpenter, George W.  
 Cunliffe, James M.  
 Carpenter, Seba  
 Case, Rufus  
 Carpenter, John R.  
 Cory, John A.  
 Cranston, Peleg P.  
 Clarke, Joseph G.  
 Corey, Daniel  
 Colvin, Earle  
 Colla, Thomas  
 Corey, Charles E.  
 Corey, Peleg  
 Chase, Enoch  
 Carr, Sylvester W.  
 Crawford, William  
 Crawford, James  
 Chase, George  
 Carpenter, Albert W.  
 Cameron, James  
 Crowell, Joseph R.  
 Chase, Dean  
 Carter, Daniel  
 Coggsill, Joseph  
 Carpenter, George D.  
 Collins, Henry F. S.  
 Coggeshall, Royal  
 Collyer, Isaac W.  
 Chase, John L.  
 Clarke, Elisha A.  
 Chase, Nelson H.  
 Carpenter, Perez  
 Colyer, Nathaniel S.  
 Childs, Alfred L.  
 Cole, Allen  
 Carpenter, Elias W.  
 Cole, Edmund  
 Chamberlain, Lucius

## NORTH PROVIDENCE—Continued.

Cheney, Alfred  
 Crowell, Ebenezer  
 Carpenter, Emerson  
 Cahoon, Esek B.  
 Cash, Samuel  
 Cahoon, Joseph  
 Chace, William  
 Chace, Sheffield  
 Clark, Stephen R.  
 Clark, Asa B.  
 Crawford, Montgomery  
 Cowing, John K.  
 Coggeshall, John S.  
 Crowell, Henry  
 Cooms, William  
 Corey, Pearce  
 Carr, Rufus B.  
 Dexter, Nathaniel  
 Draper, Joseph B.  
 Dean, Martin  
 Dawley, Benjamin G.  
 Devereux, William S.  
 Dawley, John T.  
 Donley, Peleg  
 Davis, Edward B.  
 Develin, Lewis  
 Develin, John  
 Davis, Charles E.  
 Douglas, William  
 Davis, Joseph M.  
 Dickerson, Joseph C.  
 Douglas, Hiram  
 Dexter, Waterman  
 Douglas, Isaac  
 Davis, James  
 Damon, Lucius  
 Dispean, John S.  
 Dunham, Daniel  
 Dexter, John W.  
 Douglas, Robert  
 Dexter, Jerameel J.  
 Darling, Nathaniel J.  
 Dean, Leonard  
 Develin, Bernard  
 Dexter, Horatio S.  
 Dexter, Simon W.  
 Esten, Esek  
 Esten, Cornelius  
 Edwards, Preserved  
 Everett, William B.

Eaton, Levi Curtis  
 Everett, Gilbert N.  
 Everett, Ebenezer  
 Everett, Ira  
 Everett, Ellis  
 Eddy, Owen  
 Eddy, Ferdinand S.  
 Ennis, Daniel S.  
 Everett, P. F.  
 Frost, William F.  
 Follett, Robert  
 Furlong, Edward  
 Follett, Lyman  
 Fenner, John O.  
 Franklin, Nelson  
 Farnsworth, Ephraim  
 Fuller, Marcus M.  
 Fisk, Abijah  
 Furnham, Joseph P.  
 Fairbrother, Phineas  
 Fairbrother, Samuel W.  
 Freeman, Benjamin  
 Field, George  
 Fuller, Joseph R.  
 Franklin, Darius S.  
 Fales, John T.  
 Fairbrother, John  
 Fuller, Albert  
 Furman, Jason  
 Fehman, Ray  
 Green, Stephen A.  
 Gardner, Christopher D.  
 Goldsmith, John  
 Godfrey, Samuel  
 Gilman, David  
 Greene, John  
 Godfrey, Elisha  
 Gridley, Benjamin  
 Gunman, Silas  
 Greene, Henry P.  
 Godfrey, Ezra  
 Gage, Samuel  
 Gridley, Jonathan F.  
 Gregory, James  
 Guild, Elias  
 Howland, Edwin  
 Huntress, Andrew  
 Hale, Silas  
 Horr, William A.  
 Horr, Darvis



## NORTH PROVIDENCE—Continued.

Havens, Samuel  
 Hutchens, Samuel  
 Handy, Allen  
 Harris, William  
 Hubbard, William M.  
 Horr, Jacob C.  
 Haswell, Isaiah C.  
 Hoyt, Lewis  
 Horr, Darius W.  
 Horton, Andrew  
 Houghton, John B.  
 Hadley, Benjamin H.  
 Hopkins, Willett  
 Hadley, Nicholas B.  
 Havens, Nathan  
 Holmes, Joseph J.  
 Holmes, David A.  
 Hunt, Elisha, jr.  
 Henry, William  
 Henry, William P.  
 Hamilton, Gideon  
 Hawkins, William L.  
 Hawkins, David  
 Harris, John  
 Hall, Charles  
 Howland, Shubael  
 Higgins, Hiram H.  
 Hicks, William H.  
 Hawes, Joseph  
 Harrington, Thomas  
 Holbrook, Sylvanus  
 Hutchinson, James  
 Haskell, Levi  
 Henry, Foster  
 Hunt, Caleb  
 Handy, Martin  
 Haskell, Moses  
 Hawkins, Darius  
 Harris, Thomas J.  
 Handy, John  
 Hall, Nathan H.  
 Himes, Willard  
 Hawkins, Josiah H.  
 Hale, George  
 Himes, Stuart  
 Hathaway, Nathan  
 Hodges, A. F.  
 Hunt, Ira  
 Henry, George  
 Haskins, Lovett  
 Haskins, George

Howard, Hiram L.  
 Holloway, Ichabod K.  
 Hawkins, Marvel  
 Henry, Mathew  
 Irons, Amasa  
 Irons, Edward W.  
 Ingraham, H. N.  
 Ingraham, Jabel  
 Ingraham, Caleb  
 Ide, Amos, jr.  
 Ingraham, Joshua  
 Irons, Morris T.  
 Inman, Ahab  
 Jenckes, Pardon  
 Jenckes, Stephen  
 Johnson, Isaac  
 Jacquays, James M.  
 Jenks, George  
 Jepherson, Dutee  
 James, Joseph  
 Joslin, George, jr.  
 Jenkes, William B.  
 Jaquays, Oliver F.  
 Jaquays, David D.  
 Jenks, Levi  
 Jillson, Pardon P.  
 Jillson, William O.  
 James, John  
 Johnston, Jason  
 Jordan, Oliver  
 Joslin, George  
 Jenckes, Isaac T.  
 Jenckes, Levi, 2d  
 Jeffers, Henry H.  
 Johnson, Dutee  
 Jenckes, Nathaniel M.  
 Jenks, Ichabod  
 Jenks, Slater  
 Jenks, James V.  
 Jeffers, William  
 Jenks, Pardon, jr.  
 Jenks, George C.  
 Jenks, Lyndon  
 Jenks, Sterry  
 Jenks, Jabez W.  
 Johnson, John N. P.  
 Jenks, William  
 Kinnicutt, Shubael  
 Kennedy, Thomas  
 King, Jarvis  
 King, George K.

## NORTH PROVIDENCE—Continued.

Kingsley, William  
 King, Orrin  
 Knowles, Benjamin  
 King, Benoni  
 Kelly, Jedediah C.  
 Kelly, Richard  
 Knowles, Robert A.  
 Kerr, William  
 Kenyon, Jonathan C.  
 Kenyon, Joseph G.  
 King, Abner N.  
 Knowlton, James  
 Lowden, John W.  
 Lumbert, Thomas  
 Leonard, Apollis  
 Lewis, Crandall  
 Luther, Edmund  
 Lincoln, Bela  
 Luther, Hezekiah  
 Leland, Alonzo  
 Lockwood, Benajah T.  
 Latham, Thomas W.  
 Lawton, Isaac  
 Lee, Newell  
 Lawton, William H.  
 Lyon, George W.  
 Lewis, John  
 Latham, Benjamin F.  
 Lothrop, Lebbeus  
 Lothrop, James F.  
 Lyon, William  
 Lord, Samuel  
 Lewis, Thomas  
 Lapham, William  
 Leonard, Charles A.  
 Le Crow, John B.  
 Lewis, Robert G.  
 Merry, Benjamin  
 Mann, Jacob  
 Miller, Samuel W.  
 Merry, Samuel  
 Maccomber, Frederick  
 Marchant, Jeremiah  
 Maccomber, Zebedee  
 McIntire, Joseph  
 Manchester, Cornelius  
 Mowry, Jenckes  
 Metcalf, Owen  
 Meeder, Daniel  
 Mathewson, Benoni  
 Mowry, Randall

Mowry, William  
 Mullett, William  
 Masterson, Michael  
 Mowry, Horace B.  
 Mitchell, Daniel  
 Means, Joseph  
 Martin, H. Otis  
 Mitchell, H. Otis  
 Mitchell, William  
 Martin, Sampson  
 McCallum, J. E.  
 Marchant, Gorham  
 Martin, Horace A.  
 Miller, Barton  
 Miller, Ephraim  
 Mason, Edmund  
 Mason, James S.  
 Martin, Le Baron  
 Northup Lebbeus  
 Newell, John  
 Northup, William H.  
 Newell, George W. E.  
 Nicolas, Nelson  
 Nickerson, Enoch  
 Northup, Rufus  
 Northup, John S.  
 Northup, David  
 Nicolas, George  
 Newell, Ziba  
 Norton, George  
 Northup, Thomas R.  
 Niles, Nathaniel  
 Olney, Edward B.  
 Olney, Edmund J.  
 Olney, William H.  
 Olney, Solomon  
 Olney, Obadiah  
 Olney, Joseph  
 Olney, Cyrus  
 Olney, Daniel  
 Olney, Elisha  
 Olney, Sullivan  
 Olney, Charles  
 Olney, Henry D.  
 Olney, Almon  
 Olney, Elisha  
 Pack, Adams  
 Perry, Edward  
 Pond, William H.  
 Pond, Parker H.  
 Pratt, William A.

## NORTH PROVIDENCE—Continued.

Potter, Samuel B.  
 Peckham, Benjamin L.  
 Peck, Danforth L.  
 Potter, Danforth L.  
 Potter, Edmund  
 Phillips, Otis  
 Pierce, Sanford R.  
 Parker, J. N.  
 Pollard, James  
 Peck, Foster S.  
 Parsons, William E.  
 Paul, John  
 Perrin, Henry  
 Pond, Julius  
 Peters, Albert  
 Patt, Edwin C.  
 Patt, Horatio N.  
 Peck, Albert B.  
 Putney, Otis  
 Phinney, Zenas  
 Patt, David  
 Park, Appleton  
 Paul, Jacob  
 Read, Amos M.  
 Ripley, Charles  
 Rex, Jeremiah  
 Randall, Shadrach  
 Rounds, Caleb  
 Randall, Nathaniel  
 Remington, A. S.  
 Reynolds, Erastus  
 Rice, Emery  
 Reynolds, Thomas Q.  
 Ricker, Ezekiel, 3d  
 Randall, Joseph  
 Razee, Jesse E.  
 Reynolds, George H.  
 Robinson, James B.  
 Robinson, Samuel  
 Roberts, George A.  
 Read, Ervin  
 Read, Horatio N.  
 Rex, Thomas  
 Randall, John  
 Ripley, Calvin  
 Randall, Peter  
 Rex, Charles S.  
 Ryder, James  
 Rechard, Gardner  
 Rice, Archibald B.  
 Rex, George

Rex, John  
 Ryder, David  
 Reed, Adam  
 Round, Charles M.  
 Ripley, Charles B.  
 Remington, Waterman  
 Roberts, James A.  
 Sisson, Joseph  
 Sisson, Samuel  
 Sumner, Frederick A.  
 Spaulding, Silas  
 Smith, John F.  
 Shepard, John  
 Sweet, Daniel D.  
 Smith, Dexter B.  
 Sweet, Samuel  
 Sweet, Elisha W.  
 Smith, Eben  
 Staunton, John C.  
 Slocum, Eason  
 Stetson, Isaac  
 Smith, Mowry W.  
 Sweet, William A.  
 Stone, John  
 Steere, Asa  
 Smith, Richard  
 Steere, Asabel, jr.  
 Sampson, Abiel M.  
 Sherman, Benjamin  
 Smith, Hosea  
 Smith, Horace, jr.  
 Smith, Nehemiah  
 Sweet, Elisha S.  
 Smith, Salisbury  
 Swan, Charles E.  
 Salisbury, Arthur  
 Sherman, Isaac  
 Simonds, Alfred  
 Sweetland, James H.  
 Smith, Nelson E.  
 Sweet, James W.  
 Sundalin, Henry H.  
 Shove, Robert  
 Seamans, Olney E.  
 Sears, Obed  
 Sanders, Samuel  
 Smith, Abiel  
 Smith, Scott  
 Snow, Edward  
 Salisbury, Joseph  
 Smith, John



## NORTH PROVIDENCE—Continued.

Smith, Jotham G.  
 Stall, George W.  
 Sweetland, William  
 Salisbury, Luke S.  
 Slocum, Jeremiah  
 Smith, Cyrus  
 Strange, Thomas H.  
 Sweetland, Thomas  
 Slade, Philip A.  
 Smith, Samuel  
 Smith, Nehemiah P.  
 Steere, John  
 Salisbury, Clement D.  
 Tucker, John  
 Teft, William H.  
 Thorp, John  
 Turner, Luther  
 Prescott, L. E.  
 Tyler, George  
 Tyler, Archibald H.  
 Tripp, John  
 Thornton, Horace  
 Thurston, Peleg  
 Tripp, William H.  
 Tingley, Lyman  
 Tudor, James F.  
 Tanner, John B. C. P. 3d  
 Thompson, William B.  
 Teft, Henry  
 Thatcher, Prentis  
 Tompkins, Edmund C.  
 Thornton, Joseph W.  
 Tucker, Jeremiah  
 Utton, John W.  
 Utton, John T.  
 Verry, John  
 Vickere, Albert  
 Vial, James M.  
 Vose, George A.  
 Wilcox, Robert  
 Wetherell, Zelotes  
 Wood, Ebenezer  
 Walker, Russell D.  
 Weeden, John M.  
 Wade, Noyes  
 Ware, Gilbert A.  
 West, Job R.  
 Wilbur, Calvin  
 Webster, Lewis  
 Whelden, Prince  
 Woodberry, John R.

White, Nicholas P.  
 Whipple, Thomas J.  
 Whipple, Thomas  
 Whipple, Stephen  
 Williams, Elisha S.  
 Wilcox, Reynolds  
 Whitman, Joseph  
 Williams, Waterman C.  
 Waterman, Charles B.  
 Whipple, James M.  
 Whipple, William O.  
 Whipple, Benjamin  
 Wilcox, John C.  
 Williams, Andrew  
 Whipple, John J. A. R.  
 Wood, George H.  
 Wilkinson, Abraham  
 Williams, Larned  
 Williams, Harrison, jr.  
 Williams, George D.  
 Whitmarsh, Thomas  
 Wilson, Alexander  
 Whittemore, Edward  
 Whitlock, Lawrence  
 Willard, John H.  
 Williams, T. William  
 Wakefield, Chancey  
 Winsor, Emor  
 White, William W.  
 Wilmarth, Harrison  
 Warren, David B.  
 Webber, William  
 White, William G.  
 Williams, Anthony S.  
 Whipple, Daniel P.  
 White, Isaac H.  
 Whiting, Nelson  
 Wilkinson, William W.  
 Whipple, Amasa W.  
 Whitaker, Ira C.  
 Walker, Francis  
 Young, Samuel

Qualified	-	-	221
Not qualified	-	-	472
<hr/>			
Total	-	-	693
Against	-	-	13
<hr/>			
For	-	-	680
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No. 115.

## VOTERS IN CRANSTON, PROVIDENCE COUNTY.

*Qualified.*

Benjamin Hunt  
 Jeremiah Carpenter  
 Sheldon Colvin  
 Joshua Hunt  
 Caleb Colvin  
 Henry Waterman  
 Ebenezer Barney  
 David McIntire  
 Isaac N. Sprague  
 Isaac Congdon, jr.  
 George Harris  
 Freeborn Potter  
 Duty Colvin  
 Robert Grinnell  
 William Briggs  
 Joseph Sheldon  
 Levi S. Williams  
 Andrew Essex  
 Wilbur Searle  
 Charles Potter  
 Joseph Nicholas  
 Lewis S. Leach  
 William K. Carpenter  
 Rufus Sprague  
 Stephen Wight  
 William F. Waterman  
 Sylvester Stone  
 John A. King  
 William D. Williams  
 Stephen J. Colvin  
 Joseph Carpenter  
 Joseph Sarll  
 Caleb Williams  
 George W. Sprague  
 Otis B. Salisbury  
 Frederick Williams  
 William H. Rhodes  
 Arnold Smith  
 William Corpe  
 William R. Havens  
 Elijah Day, jr.  
 Henry A. Remington  
 Daniel James  
 John K. Pierce  
 Benjamin Sprague  
 Ephraim C. Thurber

Joseph C. King  
 William Williams  
 Philip Paine  
 William Eddy  
 James A. Hills  
 Nathan Thornton  
 Pardon Sheldon  
 Harding Knight  
 Reuben Smith  
 John L. Ross  
 Layton Knight  
 Olney W. Arnold  
 William Thurber  
 Jonathan Remington  
 Pardon Williams  
 Joseph S. Budlong  
 William H. Hunt  
 Asahel Fenner  
 Youngs Morgan  
 George W. Sheldon  
 William E. Rutter  
 H. Blaisdell  
 James W. Scott  
 Israel K. Potter  
 John Fenner  
 Niles Wescott  
 Welcome Fenner  
 Caleb Potter  
 Harding Steere  
 John Q. A. Davis  
 Nathaniel Cole  
 Fones Briggs  
 Gardner Luther  
 Erastus R. Mowry  
 Ozias Danforth  
 Edward Luther  
 William Hardenburgh  
 Benjamin Tallman  
 Solomon W. Thornton  
 John B. Whitehead  
 John Beattie  
 Mowry Williams  
 Lyman Barney  
 William H. A. Aldrich  
 Oren Baker  
 Ebenezer Walker  
 Nehemiah Wight  
 Christopher Nicholas

## CRANSTON—Continued.

William Sheldon  
 George T. Potter  
 Nathan Waterman  
 Philip Paine, jr.  
 James S. Williams  
 William H. Prior  
 James Youngs  
 Benjamin E. Jones  
 George Cunliff  
 Elisha A. Whitaker  
 John D. Foster  
 John S. Foster  
 Christopher N. Levalley  
 Thomas Grace  
 Henry Jennison  
 Joseph E. Burgess  
 Horace Williams  
 Henry Burgess  
 Jeremiah Fenner  
 Freeborn Potter, jr.  
 William A. Sarll  
 Burton Sarll  
 Thomas Roberts  
 Horace Prior  
 Charles Peck  
 George W. Spencer  
 Benjamin Chapman  
 Henry N. Thornton  
 Samuel Slocum  
 William Cunliff  
 Elisha H. Rhodes  
 Thomas B. Coles  
 Eliakim Briggs  
 Richard Fenner  
 Henry Fenner  
 Daniel S. Congdon  
 Caleb W. Johnson  
 Samuel F. Joy  
 Benjamin G. Tallman  
 Joseph Howard  
 Leander L. Dodge  
 Joseph Howard 2d  
 Oliver Dawley  
 Joseph Sheldon  
 Stephen Relp  
 Charles Remington  
 Ozias Danforth  
 David Sprague  
 George P. Hazard  
 De Witt C. Sprague

William R. Butterworth  
 Samuel Burgess  
 Randall Relp  
 Seth Baker  
 George Hunt  
 Edward Beasley  
 George Waterman  
 Stephen Sprague  
 Christopher Thornton  
 Gilford W. Chase  
 Augustus Carpenter  
 James S. Chase  
 John S. Baker  
 Squire Baker

*Not qualified.*

Eborn Knight  
 Leonard Salisbury  
 Peter Harrington  
 James Davis  
 Olney M. Nelley  
 Levi Bradford  
 George M. Collins  
 Albion N. Olney  
 Hardin Briggs  
 William Thorington  
 Henry Reynolds  
 Raymond Stone  
 William Wright  
 Joseph S. Lockwood  
 Lewis R. Sprague  
 Stephen Sheldon  
 Daniel T. Remington  
 John Lane  
 Peleg Hedley  
 Jesse H. Randall  
 William H. Sterrat  
 Pardon L. Wight  
 Edward L. Wight  
 Stephen Arnold  
 Morris Judd  
 Joseph C. Gavitt  
 John Reynolds, jr.  
 Edwin Stone  
 William Reynolds  
 Lewis Potter  
 Dean Kimball  
 Caleb Henry  
 Robert Beattie



## CRANSTON—Continued.

James Wight  
 Samuel Budlong  
 Tillinghast Williams  
 Ebenezer Sprague  
 John Slain  
 George N. Foster  
 Mowry K. Aldrich  
 George B. Richardson  
 Stephen D. Olney  
 William F. Paine  
 James B. Pitcher  
 Hazard Entuis  
 William H. Allen  
 Peleg W. Slocum  
 Alpheus Smith  
 Joseph W. King  
 Henry Randall  
 Sidney B. Smith  
 Clarke Dawley  
 Richard Fenner  
 Charles Peabody  
 Allen Lewis  
 Levi Trumbull  
 Ambrose B. Bailey  
 John P. Waterman  
 James Bates  
 John Smith  
 Thomas Knight  
 Nathaniel Langley  
 Arnold Lawton  
 Sylvester R. Franklin  
 Elihu Thomas  
 John P. Nicholas  
 Abel Angell  
 Thomas Warner  
 Anthony M. Angell  
 Silas Rider  
 Alexander Harrington  
 Daniel C. Stone  
 Seneca Stone  
 Thomas H. Pollard  
 Nehemiah Thurber  
 William C. Briggs  
 William G. Coffin  
 William R. Slocum  
 M. B. Lord  
 Thomas W. Allen  
 John Stone  
 Samuel Stokes  
 Nathaniel W. Rounds

William Tonmore  
 Benjamin Gorton  
 Benjamin Roberts  
 Charles Horton  
 Rowland Lovell  
 George Hawes  
 Asa H. Marshall  
 Dyer S. Essex  
 Joseph Y. Reynolds  
 Joseph W. Fuller  
 Joel Benton  
 Jonathan R. Remington  
 William H. Allen 2d  
 Dan Wilson  
 Joseph Taylor, jr.  
 Joseph Taylor  
 Thomas R. Taylor  
 Joseph F. Norton  
 Amos Potter  
 Asahel Fenner 2d  
 Isaac Briggs  
 John Heap  
 Horatio N. Randall  
 John Cornell  
 William Owens  
 John W. Greene  
 Rufus King  
 William King  
 Horatio King  
 James Arnold  
 Edward Mason  
 Charles B. Hawkins  
 Timothy Ralph  
 Luther E. Brayton  
 James S. Hill  
 William Ashcroft  
 William H. Manchester  
 Benedict Arnold  
 Horace Lawton  
 Luther Eldridge  
 James Childs  
 George W. Whitehead  
 Albert Tillinghast  
 Jeremiah Knight  
 Charles D. Warren  
 Ebenezer Cushman  
 Almond Arnold  
 William Adams  
 Norris H. Church  
 David Lawton

## CRANSTON—Continued.

Albert Briggs  
 William H. Sprague  
 Fenner Harris  
 Benoni Sprague  
 Colville D. Brown  
 William Steere  
 Darius Sessions  
 Parker W. Stephens  
 Orrin Mowry  
 Albert Mowry  
 Syria Mathewson  
 William Briggs, jr.  
 William Keach  
 Stephen Randall  
 Paris Roberts  
 Joseph Watson  
 Leonard Pearce  
 Abm. R. Cary  
 Henry Stone  
 Nathan Keene  
 Ezra Kelley  
 Abel Howard  
 Benjamin F. Fuller  
 Cyril Greene  
 Darius A. Franklin  
 Erastus N. Burlingame  
 George W. Eddy  
 Daniel L. Cook  
 John D. James  
 Ebenezer F. Kingsbury  
 Abel G. Tripp  
 James Mott  
 Norman Brown  
 Robert Moon  
 Harding Knight, jr.  
 Silas Spink  
 Arnold Spink  
 Daniel Chedell  
 Henry Graves  
 Samuel Fisk  
 Edward S. R. Remington  
 Ellery Kinyon  
 William Gardner  
 William Whitaker  
 Caleb Stone  
 Ezekiel Warner  
 Nehemiah Warner  
 Thomas Moor  
 Nathaniel Mumford  
 William Manchester

James W. Johnson  
 Giles Phillips  
 John Congdon  
 Henry Taylor  
 George Lawton  
 Arnold Tarbox  
 George Arnold  
 Sampson Burgess  
 Abner Wade  
 Hazard James  
 Walter H. Atwood, jr.  
 William H. Howard  
 Peleg Groves  
 Elisha Bowen  
 Jasper Jordan  
 Ledyard H. Brown  
 William Sherman  
 Pardon Sheldon  
 Caleb N. Field  
 William Burrows  
 Peter Norton  
 Frink W. Dorrance  
 Jabez Holden  
 Joseph Loring  
 William P. Potter  
 Charles Chace  
 Thomas W. Wood  
 John A. S. Kenyon  
 Rufus Keach  
 Arnold Knight  
 Albert Himes  
 William Arnold  
 John R. Wood  
 William Himes  
 George W. Sherman  
 Stephen Roberts  
 Roswell Webster  
 Ozias Read  
 Chester A. Woodworth  
 Alfred Wright  
 John Scott  
 Joseph Nutting  
 Philip Baker  
 Horace Austin  
 William Horsewell  
 William A. Arnold  
 Robert Ralston  
 John Franklin  
 John Sweet  
 George B. Potter

## CRANSTON—Continued.

Francis Horsewell	Qualified,	159
Caleb Carr	Not qualified,	241
Francis C. Doane		
John Williams	Total,	400
Benjamin Gardner		
John A. Gardner		
William V. Davoll		
Oliver Gardner		

No. 116.

## VOTERS IN WARWICK, KENT COUNTY.

*Qualified.*

George W. Curin  
 Robert W. Arnold  
 Burton Baker  
 Christopher Greene  
 Sylvester G. Manchester  
 Christopher Spencer  
 Owen Burlingame  
 George W. Gardner  
 Joseph W. Potter  
 Alfred Read  
 William Battey  
 Jonathan Remington  
 Henry Dyer  
 William W. Knight  
 Benjamin Nichols  
 Edmund Burk  
 William Miller  
 Christopher Greene, S. W.  
 Joseph W. Hammond  
 Peleg R. Angell  
 Caleb Whitman, jr.  
 Thomas W. Warner  
 Joseph B. Baker  
 Edwin Johnson  
 Pardon Spencer  
 Robert M. Bennett  
 James Bartlett  
 Nehemiah Brayton  
 Palmer Sheldon  
 Louis Greene  
 Christopher S. Warner  
 Russell G. Arnold  
 Philip Matteson

Thomas B. Vaughan  
 Thomas R. Stafford  
 Nathan Sunderland  
 John P. Remington  
 Philip D. Sherman  
 Thomas R. Stafford, jr.  
 Smith W. Pierce  
 Christopher Arnold, S. S.  
 William Carder  
 Emanuel Rice  
 William Budlong  
 Hazzard Carder  
 Stephen Budlong  
 James Carder  
 Jahleel Westcott  
 Oliver Baker  
 Horace Smith  
 Lawton Greene  
 William Warner  
 Nicholas P. Baker  
 Harding W. Potter  
 Nelson Levalley  
 Thomas Remington  
 Randall Carder  
 Orrin Spencer  
 John Warner  
 Benjamin Tibbetts  
 Joseph Baker  
 Thomas Rice  
 John B. Sheldon  
 Jonathan A. Sherman  
 John Kinnecom  
 Benjamin Kinnecom  
 James Fisher  
 Uriah Eddy



## WARWICK--Continued.

Thomas E. Anthony  
 Allen Arnold  
 Augustus Phillips  
 Squire Millard  
 Henry A. Bowen  
 Isaac Nichols  
 Thomas J. Rathbone  
 John Shrieves  
 Daniel Babcock  
 Benjamin Sweet  
 Caleb A. Rice  
 Stephen Andrew, jr.  
 Charles Reynolds  
 Isaiah W. Battey  
 Christopher Holden  
 Moses P. Nutting  
 Stephen Holden  
 Stephen Thornton  
 John Holden  
 Alanson Wood  
 Whipple Stone  
 Stukely Wood  
 John Carpenter  
 Samuel F. Tibbetts  
 John G. Mawney  
 Abel Tanner  
 George Levalley  
 Jesse Dawley  
 Samuel J. Sherman  
 James V. Holden  
 Nehemiah Stone  
 Ezekiel Rogers  
 John Weaver  
 William Tibbetts  
 Oliver C. Arnold  
 John R. Waterman  
 Joshua Whitefoord  
 John F. Johnson  
 Samuel N. Hopkins  
 Sheldon Luther  
 Seariel Simmons  
 Godfrey Greene  
 Eldridge Dyer  
 Rhodes Greene  
 Otis Tyler  
 Joseph W. Ladd  
 Emory S. Bennett  
 Richard Waterman  
 Nicholas Arnold  
 Stephen Browning

Daniel Hall  
 John G. Reynolds  
 Nicholas E. Gardner  
 William Rice  
 Robert G. Mawney  
 Wheaton G. Bennett  
 Festus L. Thompson  
 Wanton Wilbur  
 Nicholas R. Gardner  
 Charles W. Atwood  
 George C. Perry  
 Amos G. Fenner  
 Seth Burke  
 John D. Spink  
 Spicer Greene  
 Alanson Hawley  
 Edmund C. Cole  
 Nelson Williams  
 William Kinnecom  
 Charles Millard  
 Arubut A. Wescott  
 Benjamin P. Nichols  
 Stephen Arnold  
 Joseph Card  
 Alexander L. Nichols  
 Elijah Baker  
 James S. Andrews  
 Rowland Crandall  
 Bowen Fenner  
 Ebenezer Tourgee  
 Harrison Collins  
 Oliver C. Mott  
 Reuben Wickes  
 Hanan Hawkins  
 William A. Briggs  
 Gideon C. Briggs  
 Whipple A. Arnold  
 Oliver Arnold  
 Darius Hart  
 Charles C. Shippee  
 Lodowick W. Shippee  
 Charles Nichols  
 Benjamin Sweet, jr.  
 John W. Atwood  
 Lyman Northup  
 Amos Budlong  
 James W. Clarke  
 Thomas Tiffany  
 Sylvester B. Merrill  
 Samuel N. Phillips

## WARWICK—Continued.

Isaac A. Rhodes  
 Benjamin Nichols  
 Job Pierce  
 Nathaniel Bennett  
 Thomas P. Gorton  
 Daniel Congdon  
 Eben W. Sweet  
 William Northup  
 Stephen Northup  
 James Graham  
 James Doran  
 Mansir C. Shippey  
 Reuben S. Peckham  
 Joshua A. Johnson  
 Thomas M. Remington  
 Benjamin Williams  
 Henry Hamilton  
 Nicholas Gardner  
 Benjamin P. Phillips  
 Ray G. Andrew  
 Henry B. Stone  
 Benoni E. Lewis  
 James B. Bennett  
 John Gardner  
 Peleg Homes  
 George Greene  
 John B. Tanner  
 Osborn Mowry  
 Richard Rice  
 Joseph E. Lock  
 Daniel Dyer  
 John Blanchard  
 James F. Hills  
 Alfred Fairbanks  
 Stephen Luther  
 John H. Himes  
 Andrew Kinnecom  
 Asa Lock  
 Ephraim Spencer  
 Charles F. Buchinhead  
 Josiah Baker  
 George B. Himes  
 George K. Clarke  
 David Baton  
 James A. Tanner  
 Merchant Weeden  
 Joseph W. Arnold  
 Isaac Allen  
 Varnum Spencer  
 Benjamin W. Briggs

Reuben Whitman, jr.  
 Richard B. Knight  
 Thomas B. Arnold  
 Dexter R. Spencer  
 George W. Bates  
 Allen Whitman  
 Oliver Briggs  
 Thomas Lockwood  
 Joseph Hammond  
 Charles Ross  
 John Tucker, jr.  
 Robert Levalley  
 Benjamin Snell  
 Otis Martin  
 Albert W. Knight  
 Samuel D. Pierce  
 Daniel Eldridge  
 Henry Tatem  
 Slocum Harrington  
 Thomas W. Matterson  
 Elijah Card  
 Clarke N. Andrews  
 Stukely B. Baggs  
 Weaver Andrew  
 Russell Youngs  
 Charles Lockwood  
 Elisha L. Baggs  
 Ray W. Atwood  
 Albert G. Smith  
 Samuel Sisson  
 Paul Wheelock  
 William Sprague  
 Earle Burlingame  
 Alvin Wickes  
 Abel Slocum  
 Henry A. Arnold  
 David Whitman  
 Giles Spencer  
 William Eason  
 Burton Baker  
 Albert G. Franklin  
 John Northup, S. A.  
 Nathan W. Lockwood  
 Amos C. Earle  
 Reuben W. Austin  
 Nathaniel Millard  
 Robert W. Greene  
 William Arnold  
 Edward Pike  
 William Carter

## WARWICK--Continued.

George L. Mowry  
 Joseph Burrows  
 Stephen Smith  
 Isbon Shermon  
 Samuel Reynolds  
 Abel Slocum, jr.  
 Samuel Arnold  
 Stephen Austin  
 Cyrus Arnold  
 Russell V. Battey  
 Wescott Hanes  
 Peleg Rhodes  
 Henry Snell  
 William Jones  
 Hiram Barlingame  
 George W. Wells  
 William Cottrell  
 William C. Ames  
 Henry Potter  
 Gorton Atwood  
 Oliver C. G. Arnold  
 Colonel A. Carpenter  
 William S. Cranston  
 George Potter  
 Stephen Potter  
 William Arnold  
 James H. Peckham  
 Wanton Stone  
 William Baker  
 Frederic Arnold  
 William T. Gardnier  
 William Hopkins  
 Oliver Arnold, S. P.  
 Asa Kettle  
 John Baker  
 Caleb Whitman  
 Stephen Levalley  
 John Levalley  
 Samuel G. Allen  
 Caleb Johnson

*Not qualified.*

Stephen B. Whipple  
 Samuel Dyer  
 Henry A. Barley  
 Edmund Spencer  
 Thomas B. Briggs  
 Silas Hathaway  
 Benjamin Tift

Samuel P. Sweet  
 Samuel K. Dayley  
 Smith Northup  
 John Mowry  
 John H. Chappell  
 Christopher W. Knight  
 Benjamin B. Briggs  
 James Russell  
 Joseph Card  
 Samuel Sweet  
 Jason Strait  
 Jeremiah Hawkins  
 Stephen Sunderland  
 Solomon Mattison  
 William Blanchard  
 John Allen  
 Stephen S. Northup  
 Edward A. Cole  
 Sweet King  
 Amos Shermon  
 Richard Gorton  
 William Vanriper  
 William Remington  
 Seth Keach  
 Enos W. Barber  
 David W. Wescott  
 Horatio Bennett  
 Isaac D. Phillips  
 Wilson C. Scott  
 William B. Brown  
 Nehemiah Dexter  
 Jeremiah Blanchard  
 Charles F. Thurston  
 Barnet Allen  
 James Casswell  
 William Fisk  
 William Vickory  
 John M. Brant  
 William Reynolds  
 William S. Pierce  
 Samuel H. Sherman  
 Levi G. Bryant  
 Benjamin Greene  
 Benjamin F. Bryant  
 Almerian Balvill  
 John Barber  
 Nelson Kenyon  
 George B. Carpenter  
 Thomas Covil  
 Albert Chipman



## WARWICK—Continued.

Arnold B. Austin  
 Thomas Taylor  
 James W. Brown  
 Thomas B. Greene  
 Elisha P. Ellis  
 George W. Holden  
 George W. Price  
 John Vickory  
 Johnson B. Colvin  
 James H. Reynolds  
 William Congdon  
 Joseph P. Coggeshall  
 Jesse B. Chamberlain  
 Thomas Covil  
 George W. Waterman  
 Pardon M. Baker  
 Gordon Spencer  
 Ichabod S. Phillips  
 John Chamberlain  
 John Howard  
 Allen Austin  
 John Nichols  
 William A. Wickes  
 Alpheus Collins  
 David G. Taft  
 George W. S. Noyes  
 Cyrus Nicholas  
 David Tripp  
 James H. Bradford  
 Silas A. Sweet  
 Edmund D. Randolph  
 John S. Colgrove  
 Ephraim Covil  
 Asa Crandall  
 Havens Tenant  
 Samuel Tourgee  
 William Greene  
 Israel Carr  
 Joshua Carpenter  
 Thomas Utter  
 Thomas C. Hall  
 Charles Millard, jr.  
 John Tew  
 Christopher Hill, jr.  
 William Stafford  
 George Vickory  
 Hiram Stephens  
 Sabin Knight  
 Stephen Allen  
 Joseph W. Arnold

Greene H. Capron  
 Barton Baker  
 Samuel Leach  
 Christopher Harrington  
 Benjamin Carter  
 William B. Keach  
 Wanton Sisson  
 Ebenezer Fuller  
 Sylvanus C. Newman  
 George Vickory  
 Silas Whitman  
 John Holden  
 Taber Hollis  
 George Moon, jr.  
 Ephraim Bennett  
 Philip Dawley  
 Warner D. Greene  
 James Douglas, jr.  
 Stephen S. Burlingame  
 Charles S. Carder  
 Edward G. Rogers  
 Caleb B. Spencer  
 William Tyler  
 Robert H. Grinold  
 Thomas Sunderland  
 William N. Nichols  
 Asahel Wood  
 George W. Briggs  
 Daniel Sunderland  
 Braberry Dow  
 William G. Wood  
 Ebenezer Brayman  
 Christopher Spencer  
 Ray Earle  
 Albert Phillips  
 William B. Spencer  
 Ezra Whitford  
 John H. Arnold  
 John Douglas  
 William Colvin  
 Zebulon Northup  
 Rufus Wheeler  
 Randall F. Greene  
 Elisha S. Peckham  
 Caleb Rice  
 William H. Hill  
 Brintal Whitfoord  
 Asael A. Bennett  
 James Hill  
 Abiel S. Brown

## WARWICK—Continued.

George Hawkins  
 Abel Bennett  
 Peleg Brown  
 John Colvin  
 John C. Johnson  
 Joseph Sheldon  
 Thomas M. Pierce  
 Jeremiah Stafford  
 Ambrose Brown  
 Caleb A. Bailey  
 John P. Burke  
 Sylvester W. Colvin  
 George Comstock  
 Elisha Dickinson  
 Philip A. Colvin  
 James C. Jocoy  
 Nelson T. Briggs  
 Henry Arnold  
 William Nichols  
 John B. Bradford  
 Lorenzo D. Remington  
 Ray Johnston  
 Stephen Northup  
 Henry Baker  
 John Douglas  
 William Tourgee  
 William Baker  
 Isaac Lawton  
 James Nigh  
 Amos Greene  
 Stukely C. Himes  
 Samuel Peckham  
 Jonathan Rogers  
 Thomas Hovey  
 Ira Mattison  
 Thomas Nichols  
 John B. Bassell  
 Henry A. Love  
 Hall Gorton  
 William Card  
 Sheffield Reynolds  
 James Gardner  
 Zadoc Burgess  
 Noah Kinsley  
 Sylvester H. Bennett  
 John Himes  
 Jeremiah C. Knight  
 William A. Cory  
 Daniel D. Greene  
 Joseph Congdon

Lymon L. Leach  
 Edwin W. Arnold  
 Anthony Carr  
 Lyman Grinnol  
 John Andrews  
 Benjamin Albro  
 Stephen B. Gardner  
 John W. Towl  
 Henry Rieves  
 Isaac Mowry  
 John W. Bennett  
 John S. Budlong  
 Nathan T. Lock  
 George W. Harrington  
 James M. Tourgee  
 Joseph Johnson  
 William Remington  
 James Cole  
 Harris Johnson  
 Henry H. Stephens  
 William H. Budlong  
 Whipple Stoveyer  
 Joseph G. Lawton  
 Jonathan West  
 Jabez Colvin  
 Stephen S. Brown  
 Sion Arnold  
 Lorenzo D. Budlong  
 James B. Arnold  
 William Fairbanks  
 William Mumford  
 John R. Stafford  
 John R. Brayton  
 Isaac Carr  
 Mason Cornal  
 John Sunderland, jr.  
 William Wood  
 James Bowener  
 James Carr  
 Henry W. Greene  
 William Randall  
 Samuel G. Bowen  
 Hiram Clark  
 Hazzard Wilbur  
 Clark Spink  
 John Bennett  
 Christopher W. Greene  
 Thomas S. Northup  
 Harding P. Rice  
 Lowry Greene

## WARWICK—Continued.

Christopher T. Congdon  
 William Case  
 William Montgomery  
 Israel Wood  
 Amos Budlong, jr.  
 Henry Capron  
 Walter R. Pearle  
 Asaph Tennent  
 Rufus Durfee  
 Nicholas W. Shrieves  
 Joseph S. Fones  
 Thomas Kelton  
 Holden Fisk  
 John Northup  
 Daniel Stone  
 Jeffrey H. Gardner  
 Nathan Kenyon  
 George Hoffman  
 Benjamin W. Vaughn  
 Edmund L. Budlong  
 George W. Griffin  
 William W. Matteson  
 George A. Davis  
 Leonard Vinton  
 George W. Rawson  
 Perry K. Browning  
 Henry Hawkins  
 William Boyle  
 Charles Noyes  
 Thomas Mathewson  
 James Leach  
 Moses Budlong  
 John Littlefield  
 Benjamin Tourgee  
 Christopher Hill  
 Alfred Whipple  
 Robert Gavitt  
 William Love  
 Henry Collins  
 Thomas Matteson  
 John Nutting  
 George W. King  
 Nathaniel Champlain  
 Jeremiah Randall  
 William T. Arnold  
 Stephen A. Remington  
 Elisha Tew  
 Edward Capron  
 George Hutchins  
 George A. Smith

Albert H. Alexander  
 Joseph Matteson  
 Davenport Simunons  
 Thomas M. Tourgee  
 Nathan Card  
 Silas Hunt  
 James Johnson  
 Rowland Greene  
 John Cartwright  
 Jacob Matteson  
 Thomas J. Remington  
 Douglas Blanchard  
 Alfred Austin  
 Benjamin Cornel, jr.  
 Dudley Hall  
 Philip Arnold  
 Horace S. Youngs  
 Joseph Pollard  
 Stephen Briggs  
 Alfred W. Potter  
 John R. Barber  
 Stephen Card  
 Rhodolphus F. Whitney  
 John Remington  
 Courtland J. Crandall  
 Palmer T. Briggs  
 John M. Franklin  
 Jerod B. Baker  
 Elveton Arnold  
 Caleb Bates  
 George C. Perry jr.  
 Joseph P. Essex  
 Christopher A. Tillinghast  
 Walter P. Wilcox  
 Arnold Gavitt  
 Allen Blanchard  
 Edward K. Stone  
 Horatio A. Stone  
 Sheffield S. Wills  
 Parish Andrew  
 Benoni King  
 Lyman Arnold  
 Preserved Pierce  
 Hugh Kelley  
 Alonzo Borden  
 William D. Budlong  
 William S. Gardner  
 John Austin  
 Elijah Card  
 George W. Matteson



## WARWICK—Continued.

Samuel Eldred  
 William M. Williams  
 Emory Henry  
 Reuben Essex  
 William G. Spencer  
 Dennis Dunn  
 John A. Spencer  
 James Howard  
 Alanson P. Brownell  
 Benjamin A. Briggs  
 Augustus Remington  
 Isaac Hall  
 Joseph Fones  
 Anson Lewis  
 William Stone  
 Salma Wood  
 Willet R. Briggs  
 William Holley  
 Thomas Maskey  
 David W. Hajan  
 Nicholas Brown  
 Giles J. Jenkins  
 Henry Lewis  
 James Lamberton  
 Caleb Brown  
 Joseph B. Rice  
 Thomas Worthington  
 Dexter G. Wescott  
 Alfred Sunderland  
 George Beebee  
 William L. Chase  
 Stephen Andrew  
 Benjamin Andrew  
 Benjamin Briggs  
 Henry O. Sherman  
 George Scott  
 John R. Lewis  
 Rodman James  
 David C. Taylor  
 George F. Brayton  
 Joshua Tourtellot  
 George A. Phillips  
 Henry Sunderland  
 Benjamin B. Congdon  
 Thomas Bowener  
 Stephen Greene  
 Nicholas Taft  
 John B. Aylesworth  
 Harden Hatch  
 Warren Collins

George W. Collins  
 Benjamin W. Collins  
 Thomas Shippee  
 Austin Wilson  
 James Davis  
 Henry Freeman  
 Caleb Gorton  
 Thomas E. Remington  
 Alden Knight  
 Benjamin Wight  
 Isaac F. Hollis  
 Nicholas M. Gardner  
 James H. Budlong  
 George G. Watson  
 Lewis W. Briggs  
 Caleb W. Bennett  
 Nicholas Briggs  
 Robert Card  
 Josiah Merril  
 John D. Thomas  
 Pardon Tillinghast  
 Jeremiah Webb  
 Beriah S. Brown  
 Rowland Sweet  
 Amos More  
 Jarvis W. Reed  
 George W. Nye  
 Arnold C. Gardner  
 Charles Sherman  
 John Nutting, jr.  
 Charles Stone  
 Leonard Capron  
 Bowen Kettle  
 Wanton W. Potter  
 Job Benson  
 John Rice  
 Samuel K. Nason  
 Daniel F. Burlingame  
 Varnum Taber  
 William H. Carpenter  
 Levi J. Blanchard  
 Horace Franklin  
 Simeon Spencer  
 Lewis C. Merrill  
 James Carroll, jr.  
 Charles M. Sunderland  
 Abner A. Hart  
 Thomas Baker  
 Christopher H. Dawley  
 Benjamin M. Moon

## WARWICK—Continued.

Gideon Wilcox  
 Vinson Dawley  
 Benjamin Francis  
 Edward Weaver  
 John T. Nichols  
 Albion N. Arnold  
 Job W. Potter  
 John W. Arnold  
 William Barber  
 Allen R. Hill  
 Jonathan Noyes  
 William H. Healey  
 William Nye, jr.  
 Benajah Lockwood  
 Daniel W. Peckham  
 Albert W. Knight  
 Joseph W. Holden  
 Allen Briggs  
 John Rowing, jr.  
 William S. Peckham  
 Joseph Shaw  
 Barney W. Davis  
 William Hill  
 Robert Briggs  
 Avery Winslow  
 Joseph P. Champlain  
 Francis W. Carpenter  
 Jeremiah Tourgee  
 Joel E. Cady  
 Benjamin Mitchel  
 David Nickerson  
 George T. Ross  
 John A. Taylor  
 Thomas W. Lock  
 William Smith  
 Thomas R. Parker  
 Daniel Greene  
 George Mowry  
 Andrew G. Vaughn  
 Jonathan Bazzell  
 John P. Sweet  
 Ezel Reynolds  
 Jettery W. Sunderland  
 Eleazer Fisk  
 Hazzard Clarke  
 Hiram West  
 Nicholas Harris  
 Edwin Coggsweil  
 Elisha Andrews  
 Joseph Burgess

Alfred Smith  
 George Colvin  
 Nicholas T. Allen  
 Spaulding N. Ross  
 Timothy Clarke  
 Dennis Hunt  
 Russell Atwood  
 James F. Rhodes  
 Abraham Brightman  
 George W. Keach  
 Andrew Arnold  
 George H. Cooke  
 William Tourgee  
 William Nye  
 Caleb Johnson  
 Benjamin Essex  
 Thomas F. Greene  
 Joseph E. Cranston  
 Nelson Young  
 William Bardeen  
 Pardon Crandall  
 Jonathan Taft  
 William A. Leach  
 Joel E. Cady  
 Thomas W. Lockwood  
 John F. Bacon  
 Sumner Trumbull  
 Giles S. Greene  
 Barnard M. Hall  
 Stephen Nutting  
 Whipple Andrews  
 George Cook  
 James Kinsley  
 William Wilbur  
 Simon Sherman  
 William Stone  
 William Jennison  
 Welcome Bates  
 George Hodges  
 George Johnston  
 Enos Farrow  
 George H. Arnold  
 Bernard N. Eddy  
 John King  
 Warren C. Gardnier  
 Reynolds S. Wilcox  
 Simeon W. Drown  
 Joseph W. James  
 Thomas P. R. A. Knox  
 Artemas S. Fuller

## WARWICK—Continued.

Chester Himes  
 Silas James  
 John Casswell  
 Christopher F. Collins  
 Pardon Burlingame  
 Benjamin W. Arnold  
 Benjamin Rogers  
 John Campbell  
 Warren Tanner  
 Ray Greene  
 Remington Sherman  
 William Stoveyer  
 L. Canfield  
 Samuel R. Gavitt  
 Stephen E. Card  
 Mark Connelly  
 Lewis Chaffee  
 Solomon Arnold

Jonathan Benson  
 Ellis M. Cottery  
 Daniel Nason  
 Samuel Bennett  
 Nicholas W. Cook  
 Joseph Myrick  
 Joshua A. Davis  
 James Carr  
 Josiah Levalley  
 Daniel B. Himes

Qualified	-	-	- 308
Not qualified	-	-	- 587
Total	-	-	<u>- 895</u>

## No. 117.

## VOTERS IN COVENTRY, KENT COUNTY.

George W. Greene  
 Coddington S. Burch  
 Orrin Cahoon  
 Alfred Cornell  
 John Smith  
 Hosea Cahoon  
 Eber Phillips  
 Andrew Colvin  
 Allen Greene  
 Abel Cornell 2d  
 Arnold Pettis  
 James Langley  
 James A. Venney  
 Jonathan Nichols  
 Nathan Walker  
 Israel Wilson  
 Christopher Carpenter  
 James L. Ross  
 Sylvester Andrew  
 John R. Allen  
 George Cahoon  
 George Fairbanks  
 David H. Culver  
 Jonathan Bly  
 Thomas J. Ross

James M. Herrington  
 Sheffield R. Greene  
 Cromwell Levalley  
 Bowen Angell  
 Benjamin B. Cotterell  
 Thomas Hall  
 Nehemiah Knight  
 Benjamin S. Chace  
 Albert Wickes  
 William Knight  
 William Cahoon  
 Isaac B. Aylesworth  
 Allen Cahoon  
 Erasmus D. Clarke  
 John W. Davis  
 Archibald Mattison  
 Josiah N. Colvin  
 Stephen G. Watson  
 Isaiah Kettle  
 William Brown  
 Luther L. Colwell  
 Ira Cobb  
 Thomas Tennent  
 George W. Whitman  
 Josiah Love



## COVENTRY—Continued.

Samuel Sweet  
 Thomas O. Johnson  
 Ichabod White  
 Jeremiah B. Austin  
 Israel Walker  
 Benjamin Holden  
 Christopher Robinson  
 Samuel H. Cotterel  
 Robert Austen  
 Benjamin Greene  
 Reuben Potter  
 Hazzard B. Clarke  
 Jason P. Stone, 2d  
 Martin Bradford  
 Alvin Greene  
 Alfred Taylor  
 Ira West  
 Henry O. Sweet  
 Jenckes N. Kilton  
 Sheffield W. Havens  
 Jason Weaver  
 James Caswell  
 Thomas A. Andrew  
 Rufus Kettle  
 Elisha B. Chappell  
 William G. Perry  
 Charles Holden  
 George Dye  
 Gardner P. Cottrel  
 Philip P. Hawkins  
 Ishmael Nichols  
 Jereb Matteson  
 Daniel Rice  
 Charles H. Thayer  
 Edward Slocum  
 Stephen Salisbury  
 Jeffrey Davis  
 Wanton Gardner  
 Joab Wood  
 John Wickes  
 Benoni Stone  
 Benjamin Dawley, jr.  
 Asa Bennett  
 George Trim, jr.  
 Alvin Trim  
 Ebenezer W. Chase  
 Lawton Johnson  
 Peter T. W. Mitchel  
 Wilbur Mattison  
 George Briggs

Thomas J. Hines  
 Benoni Rogers  
 Perry Andrew  
 Ira G. Briggs  
 Benjamin Morse  
 William Kerr  
 Charles Collins  
 Asahel Jordan  
 Benjamin Dawley  
 Benjamin S. Briggs  
 William Bowen  
 Samuel F. Chappell  
 Augustus F. Bowen  
 Andrew J. Wright  
 Francis W. Gardner  
 David Wilcox  
 William F. Potter  
 Charles Colvin  
 John Bennett  
 Bowen Cahoon  
 William J. Barber  
 Augustus J. Lewis  
 Stanton Hazzard  
 Jonathan Pettis  
 Benjamin Cobb  
 Benjamin B. Cobb  
 Oliver Howard  
 James Kendall  
 Bowen Johnson  
 John Bowles  
 Caleb Colvin  
 Joseph Gorton  
 George A. C. Cole  
 Jesse Wood  
 Daniel Arnold  
 Sylvester Rice  
 Henry C. Peck  
 Paul Harrington  
 Dexter Moore  
 David Blanchard  
 Abm. Tillason  
 Joseph Casswell  
 Verbadus Mattison  
 Royal Andrew  
 Jefferson L. Kimball  
 Samuel Greene  
 Eleazar Briggs  
 James B. Arnold  
 Abel M. Sweet  
 John P. Millerd

## COVENTRY—Continued.

John Moon  
 Henry A. Matteson  
 Isaac Hyde  
 Abner Rogers  
 James Warner, jr.  
 George P. Gould  
 John Brown  
 James Sweet  
 Ezekiel Johnson  
 Albert O. Mitchel  
 Jeremiah Greene  
 Samuel Whaley  
 Peleg Gorton  
 Job Gorton  
 Zebulon Gardner  
 Samuel Franklin  
 John A. Franklin  
 Nathan Rice  
 William P. Scott  
 Sheldon Potter  
 Samuel F. Carr  
 Colvin W. Richards  
 Aaron Bowen  
 James Briggs  
 William G. Battey  
 Samuel A. Briggs  
 Joseph Greene  
 Miller Briggs  
 Richard Arnold  
 Jeremiah Arnold  
 Andrew Colvin  
 Robert Havens  
 William H. Sweet  
 William G. Sheldon  
 Jonathan Nichols  
 George C. Steevens  
 Sheffield Wait, jr.  
 Holden Andrew  
 Reuben Nicholas  
 Randall Knight  
 Henry Morse  
 Henry Cahoon  
 Olney Wood  
 Archibald Morse  
 George W. Greene  
 Jabez Stone  
 Wheaton Knight  
 Hale C. Manchester  
 Job Manchester  
 Abel Matteson

Benjamin Gorton  
 Otis W. Arnold  
 Cornell O. Havens  
 John Wood  
 Asahel Greene  
 Darius Whitford  
 Stephen Richmond  
 Samuel Bissell  
 Arnold Matteson  
 Isaac H. Lawton  
 William W. Whipple  
 Daniel V. Reynolds  
 Stephen Bennett  
 William Taylor  
 John Wilcox  
 George W. Bowen  
 Peleg Gorton  
 John A. Wilcox  
 Peter Eddy  
 Ethan Angell  
 George W. Johnson  
 John W. Dance  
 Joshua Havens  
 John Y. Johnson  
 John A. Matteson  
 Bowen T. Briggs  
 Charles S. Adams  
 John S. Matteson  
 Josiah Briggs  
 Charles Morse  
 Silas Gorton  
 Reynolds Lewis  
 Nichols Austin  
 Reynolds Austin  
 Oliver Matteson  
 William G. Merrill  
 William B. Merrill  
 Eason Barber  
 Samuel Peck  
 Leonard Love, jr.  
 Curnell Greene  
 Lorenzo D. Morse  
 David Reynolds  
 Ira Cornell  
 Elisha Olney  
 Leonard Love  
 Samuel Johnson  
 George A. Wickes  
 John Corey  
 Samuel Eddy

## COVENTRY—Continued.

Asahel Matteson  
 Thomas T. Cahoon  
 William H. Wise  
 Obed Matteson  
 Charles J. Matteson  
 Rutven Matteson  
 Miner Reynolds  
 William Jordan  
 John Wood  
 William D. Greene  
 Barton Tanner  
 Gardner W. Gavitt  
 Elisha S. Leach  
 Benjamin L. Kenyon  
 William Dyer Greene  
 Joseph C. Knight  
 Elisha Jordan  
 George H. Franklin  
 Albert Rogers  
 John W. Greene  
 William F. Dawley  
 Horace H. Thompson  
 Sheffield Andrew  
 Gorton Potter  
 Samuel W. Arnold  
 Joab Colvin  
 Rowland Cahoon  
 Warren F. Johnson  
 Galen W. Sherman  
 Andrew Wood  
 Ezra Matteson  
 James Angell  
 Moses Colvin  
 Arthur Aylesworth  
 Joseph Matteson  
 John Wilcox  
 Arnold Potter  
 Stephen Taylor  
 James G. Smith  
 John Potter  
 William M. Gibson  
 Joseph Harvey  
 Ebenezer Briggs  
 Caleb Lewis  
 Thomson Cory  
 Joseph Bennett  
 James W. Matteson  
 Beriah Austin  
 Job Dawley  
 Arnold R. Wickes

Isaac B. Peck  
 David C. Wood  
 Oliver Lewis  
 Arnold G. Briggs  
 Almond Whitford  
 John Malbone  
 Reuben Rathbone  
 Simeon W. Pike  
 James Tew  
 William Watson  
 Edwin Parker  
 Ira Wood  
 Thomas Nason  
 Asa B. Colvin  
 Job Albrow  
 Simeon Mattison  
 Benoni Card  
 Job Spink  
 Samuel C. Wall  
 Albert G. James  
 John Carroll  
 Philip Sweet  
 Oliver Moon  
 Horace Foster  
 Gilbert P. Salisbury  
 Carpenter Fennér  
 Daniel J. Bates  
 David Hopkins  
 John Taylor  
 Israel G. M. Bates  
 Isaac Angell  
 Israel Angell  
 Emanuel L. Angell  
 Warren Johnson  
 William Burton  
 Curnell W. Austin  
 John Gould  
 Chauncey Cushing  
 George W. Thomas  
 Thomas S. Watson  
 James Kettle  
 Charles Thayer  
 James Lovell  
 Jabez W. Casswell  
 Stephen A. Greene  
 Richard Stone  
 Potter R. Andrew  
 Benjamin Grinnell  
 James Matteson  
 Gideon L. Johnson



## COVENTRY—Continued.

Stephen Knight  
 Oliver S. Hazzard  
 Olney Abbott  
 John Johnson  
 James M. Wood  
 Nathan Wentworth  
 William B. Babcock  
 Nathan Knight  
 Robert Perry  
 Henry Hierlihy  
 William A. Tyler  
 Samuel Warner  
 William Wilbur  
 James T. Monroe  
 Horace Casswell  
 John Arnold  
 Samuel Q. Briggs  
 Harvey Sheldon  
 James B. Arnold  
 Philip Arnold  
 Bowen Potter  
 Wanton J. Matteson  
 Jeremiah O. Colvin  
 Nathan Relph  
 Curnell Nichols  
 Elisha B. Wescott  
 Gilbert Remington  
 Joseph T. Congdon  
 Henry Mowry  
 Pardon S. Bowen  
 Job Phillips  
 Wanton Briggs

Jabez Weaver  
 John S. Sweet  
 Benjamin Read  
 Israel Johnson  
 Samuel Kettle  
 Thomas Kelton  
 Seneca Kettle  
 John Carpenter  
 Lyman Dawley  
 Albert Johnson  
 Levi Johnson  
 Samuel C. Cranston  
 Jonathan Andrew  
 Seneca Williams  
 Nathaniel Arnold, jr.  
 Caleb Cahoon  
 Sheldon Read  
 Asa Stone, jr.  
 James Case  
 Giles James  
 Caleb C. Johnson  
 Amasa Johnson  
 Hiram T. Chappell  
 Stephen Colvin  
 Henry Barber

Qualified	-	-	157
Not qualified	-	-	249
Total	-	-	<u>406</u>

## No. 118.

## VOTERS IN EAST GREENWICH, KENT COUNTY.

*Qualified.*

Benedict Remington  
 Albert A. Hall  
 John Weeden  
 William J. Burdick  
 Samuel R. Rice  
 Job Spencer  
 Daniel W. Hunt  
 Joseph Greene  
 Daniel Brown

James S. Austin  
 Richard Edwards  
 Christopher C. Vaughn  
 Jonathan D. Huling  
 Richard Spencer  
 James M. Bartlett  
 Dexter S. Remington  
 James Slocum  
 Ebenezer Vaughan  
 John M. Spencer  
 Jeremiah S. Slocum

## EAST GREENWICH—Continued.

William Tibbetts  
 Stephen R. Bryant  
 William T. Mawney  
 Godfrey A. Greene  
 John F. May  
 George S. Gardiner  
 John P. Roberts  
 Peleg R. Bennett, jr.  
 C. A. Sweet  
 Stephen W. Thurston  
 Gibbs Earle  
 Robert Dawley  
 William P. Salisbury  
 Pardon T. Wightman  
 Jared Burdick  
 Robert B. Hall  
 William C. Greene  
 James H. Eldridge  
 John Mawney  
 Ezra Spencer  
 David Pennoyer  
 Stukely Wickes  
 Silas Weaver  
 William A. Sweet  
 Spencer Hall  
 Sheldon Bennett  
 Thomas L. Spencer  
 Oliver Wickes  
 James Parkerson  
 Job Manchester

*Not qualified.*

John G. Ladd  
 Albert Pollard  
 George Weaver  
 James Rose  
 David Rose  
 Russell Champlin  
 James A. Capron  
 Horace Hunt  
 Paris Andrew  
 Stukely Matteson  
 Thomas R. Dawley  
 Samuel S. Whiting  
 Clarke Brown  
 William C. Briggs  
 Royal Weeden  
 Stephen L. Rogers  
 Benjamin B. Monroe

Richard Cornell  
 Edward H. Spencer  
 Richard Spinser  
 William W. Bennett  
 Benjamin F. Pennoyer  
 Abel D. Bennett  
 Christopher Hawkins  
 Manton Austin  
 Stukely Matteson, jr.  
 Peter W. Pierce  
 Elisha P. Phillips  
 Erastus Sanford  
 Roswell M. Miller  
 George W. Tillinghast  
 Potter Hazzard  
 Ovid Hopkins  
 George Spencer  
 Enoch Steadman  
 Alonzo V. Dawley  
 William Barstow  
 Benjamin G. Mawney  
 Richard S. Spencer  
 Benjamin L. Spencer  
 John Edwards  
 Augustus G. Greene  
 John W. Case  
 Samuel D. Johnson  
 Ebenezer Weeden  
 Warren Remington  
 John Matteson  
 David Brown  
 Samuel A. Champlin  
 James A. Roberts  
 Peleg R. Bennett  
 William M. Hunt  
 Asaph Johnson  
 Eldridge Sweet  
 Wilbur Vaughn  
 Luther Bugbee  
 Henry Spencer  
 Jacob Harvey  
 John Perry  
 Riley Darling  
 Henry Whitmarsh  
 Noah Glines  
 Samuel Harrington  
 David Glines  
 George A. Casey  
 James Capron  
 Silas B. Whitford

## EAST GREENWICH—Continued.

Samuel C. Brown  
 S. G. Waterhouse  
 Sidney S. Tillinghast  
 Absalom P. Ford  
 Isaac S. Johnson  
 Egbert Stanley  
 Absalom Northup  
 John Blanchard, jr.  
 Samuel Champlin  
 Harvey M. Virgason  
 John Hunt  
 Oliver A. Wickes  
 Eleazer Huling  
 Prosper G. Lewis  
 Albert G. Littlefield  
 George More Cranston  
 Stukely Underwood  
 Zachariah Parker

*Against.*

John Brown  
 William H. Card  
 Oliver Dowd  
 Charles C. Eldridge  
 Simeon Weaver  
 Carr Harrington

Qualified	-	-	50
Not qualified	-	-	85
Against	-	-	6
Total	-	-	<u>141</u>

## No. 119.

## VOTERS IN WEST GREENWICH, KENT COUNTY.

*Qualified.*

David Hopkins  
 Daniel H. Goff  
 Harrison G. Nichols  
 Clarke Spink  
 Willard B. Ellis  
 Halsey Hopkins  
 Peter T. Brown  
 Samuel Albro  
 Amos Reynolds, 2d  
 Jonathan Hopkins  
 Sessions Hopkins  
 Cyrus G. Place  
 Elisha Whitford  
 John R. Congdon  
 Joseph Brown  
 Amon Hopkins  
 Layton Hopkins

*Not qualified.*

Albert Hopkins  
 Gardner Carr  
 Stephen Brown

Samuel Wood  
 Horatio N. Caswell  
 Samuel Will  
 Slocum Strait  
 James L. Barber  
 Joseph Matteson  
 Warren Briggs  
 Solomon Strait  
 Simon Matteson  
 James Essex  
 Fry Sweet  
 Benjamin Cobb  
 Nathan T. Strait  
 Harry Whitford  
 Ezekiel Whitford, jr.  
 Burrill Hopkins  
 Arthur Hill  
 Archibald Jordon  
 William A. Hathaway  
 William Briggs  
 Harrison O. Matteson  
 Reynolds Sprague  
 Edwin C. Johnson  
 Royal Matteson  
 Nathan Carr  
 Horace Vickery



## WEST GREENWICH—Continued.

Thomas N. Whitford	Simon Reynolds
Alfred Hall	Warren Cornell
William M. Myers	John W. Mattison
Joseph Whitford	Elanzo Myers
John V. Franklin	Othniel Kettle
Ebenezer Green	
Oliver Nichols	Qualified - - - 17
Lebbeus W. Whitford	Not qualified - - - 45
Calvin Barber	
William Clarke	Total 62
James N. Whitford	

## No. 120.

## VOTERS IN NORTH KINGSTOWN, WASHINGTON COUNTY.

<i>Qualified.</i>	
Benjamin F. Brown	J. Ingraham
William Potter	Jeremiah Thomas
Henry Tourgee	Richard Thomas
Simeon Phillips	Edward L. Thomas
John McGuire	Thomas Tourgee
Harrington Tourgee	James Tourgee
George H. Church	Daniel Havens
Robert Eldred	Philip Tourgee
Sylvester Hynes	William Pierce
William Greene	William E. Pierce
Westgate Watson	Wilbur Hazzard
Joseph Congdon	Benjamin S. Williams
Stephen N. Himes	Daniel E. Bullock
Elisha Pierce	Perry Arnold
John Brown	Charles Allen
George T. Nichols	William E. Cozzens
Wanton Himes	Isaac Briggs
Whitney Hayden	Jedediah L. Rathbone
John A. Kenyon	Henry R. Clarke
Thomas S. Holloway	Benjamin T. Watson
Christopher S. Tillinghast	Samuel C. Cottrell
Stanton W. Congdon	William Taylor
Benoni P. Bates	Benjamin T. Clarke
Alfred Updike	Benjamin Smith
Edward Slocum	Josiah Arnold
George C. Arnold	Elisha Clarke
Stephen Green	Daniel G. Bates
Baldwin Rathbone	Thomas Briggs
William Holloway, jr.	Joseph Spink
Samuel Pierce	Edward Cole
Francis Chappell	Andrew Huling
	David Gardner
	Benjamin Gardner

## NORTH KINGSTOWN—Continued.

William Arnold  
 James W. Huling  
 Wilbur Shippee  
 William H. Cole  
 Isaac Hall, jr.  
 Isaac C. Champlin  
 Edwin S. Chappell  
 Benjamin C. Cory  
 Robert H. Johnson  
 Pardon T. Gardiner  
 Gardner Wilcox  
 Constant Sweet  
 Thomas G. Matteson  
 Benjamin S. Hazzard  
 William G. Congdon  
 Gardner Browning  
 Pardon Tillinghast

*Not qualified.*

Beriah W. Reynolds  
 Elisha May  
 James C. Tennant  
 James M. Madison  
 Jeremiah Burlingame  
 Samuel Gardner  
 Jesse G. Lawton  
 Jedediah S. Kingsley  
 Manning King  
 John Fowler  
 Jesse Bicknell, jr.  
 George W. Champlin  
 Jedediah Kingsley  
 Enoch Lovel  
 Robert Rodman  
 Aaron B. Pratt  
 Northup Gardner  
 Abel Willis  
 William Maguire  
 Ezra Tennant  
 Rathbun Gardner  
 John Willis  
 Varnum Bicknell  
 Palmer Gardner  
 John Brigg  
 Robert Sherman  
 Edward C. Briggs  
 Willet H. Gardner  
 Sylvester H. Briggs  
 Edward Place

John D. Fowler  
 James N. Gardner  
 Willet Himes  
 Harenton N. Gardner  
 Horace Woodmancey  
 Perry B. Phillips  
 Naaman Gardner  
 Stukely Northup  
 John Smith  
 Lewis Thomas  
 Peter B. Mitchell  
 William Pierce  
 John B. Corey  
 Rhodes Pierce  
 George W. Brown  
 John Lewis  
 Cornelius Johnson  
 John B. Jocoy  
 Wm. B. Slocum  
 Sylvester G. Wilcox  
 Samuel C. Fowler  
 Nathaniel S. Lewis  
 John Thomas  
 Thomas Cooper  
 George R. Cottrell  
 James E. McKenzie  
 Sylvester J. Watson  
 Benjamin W. Cozzens  
 Joseph Hamilton  
 Nathaniel R. Littlefield  
 Joseph Waite  
 Frederick Willis  
 Amasa Tourgee  
 William H. Slocum  
 Daniel Sherman  
 James W. Short  
 David V. Gardiner  
 Daniel W. Lawton  
 Arnold Vaughn  
 Samuel Place  
 Henry Vaughn  
 Benjamin F. Spink  
 William H. Reynolds  
 Lewis Hopkins  
 Nathaniel Fenner  
 Levi L. Swain  
 Constant Tourgee  
 Oliver Kenyon  
 Thomas C. Kinsley  
 Allen Waite

## NORTH KINGSTOWN—Continued.

Jesse Gardner  
 James Burlingame  
 Gideon S. Hunt  
 Amos Havens  
 Thomas Corey  
 John Cooper  
 Benjamin Brown  
 George B. Thomas  
 Benjamin Jocoy  
 John B. Jocoy  
 George Lewis  
 Isaac Browning  
 Wilbour Browning  
 Peter Cozzens  
 Mark D. Willis  
 David S. Baker  
 Elijah S. Johnson  
 Bowen Reynolds  
 Elisha Gardner  
 George Gardner  
 George Waite  
 John Slocum  
 Lewis Hazzard  
 C. W. Searle  
 Albert Nichols  
 Freeborn Sisson  
 Samuel N. Cranston  
 James Sherman, jr.  
 Daniel G. Bates, jr.  
 Joseph Congdon  
 Albert Gardner  
 George Congdon  
 Augustus Huling  
 Elisha Gardner, jr.  
 Horatio N. Arnold  
 Paul G. Sweet  
 Daniel Young  
 Caleb Congdon  
 William W. Thomas  
 Jonathan P. Thomas  
 Isaac Thomas  
 Albert Himes  
 William H. Allen  
 Bowen Woodmancey  
 John C. McKenzie  
 William H. Reynolds  
 William H. Hoyt  
 Arnold Congdon  
 Isaac A. Chadsey

Edward Pierce  
 John C. Northup  
 Grinman Edwards  
 Jesse Symmes  
 Boon Gardner  
 Rodman Hazzard  
 William Holloway  
 Edmon Johnson  
 Peleg Hazzard  
 George S. Searle  
 Richard Smith  
 Benjamin W. Gardner  
 William Taylor  
 Michael J. Johnson  
 John L. Barber  
 Porter Belknap  
 Samuel Browning  
 Potter Sweet  
 Randall Gardiner  
 Allen Tillinghast  
 Orin W. Lewis  
 William Himes  
 William Knowles  
 Oliver Gardner  
 Joseph Bailey  
 Stephen Smith  
 Wilbur T. Hunt  
 Christopher Allen  
 George Mills  
 Samuel Woodmancey  
 Albert Cottrell  
 William E. Clarke  
 Hyman Reed  
 Amos Baker  
 Ezra N. Gardiner  
 Jeremiah A. Ennis  
 Zenas Weekes  
 Jefferson Nason  
 Pitt Vaughn  
 Christopher C. Bentley  
 Thomas Hiscox

Qualified,	84
Not qualified,	169
Total,	<u>253</u>



No. 121.

## VOTERS IN SOUTH KINGSTOWN, WASHINGTON COUNTY.

Wager Weeden  
Samuel Tucker  
William G. Carpenter  
Joshua B. Curtis  
Reuben Wright  
William A. Clarke  
Christopher Browning  
Thomas B. Potter  
William French  
Luke Aldrich  
Jeremiah S. Shearman  
Warren Gavitt  
Ebenezer Adams  
Edmund S. Babcock  
Daniel M. C. Stedman  
Simeon C. Tucker  
Cranston B. Tucker  
Marlborough Gavitt  
Peter G. Boss  
Daniel Rodman  
Samuel Smith  
Westgate Smith, jr.  
William Williams  
Rufus Rose  
James D. Rose  
John Smith  
Philip Rose  
Warren R. Potter  
Alfred Holley  
Benjamin Hazard  
Cyrus French  
Samuel Allen  
George Nichols  
John T. Dixon  
John P. Whitford  
Daniel N. Harvey  
Lyman C. Tucker  
Christopher Champlin  
John Tucker  
Harvey Bradford  
James W. Bates  
Simeon Clarke, jr.  
Daniel Wilcox  
William H. Thomas  
George Whitford  
William Allen, jr.  
John Holland  
William A. Streeter

George Thomas  
James Carpenter  
Robert C. Peckham  
Daniel Billington  
Bethuel Webster  
Henry Holland  
Udpike C. Whitford  
Reuben Gavit  
James M. Holland  
John H. Clarke  
Thomas W. Brown  
Rufus M. Rose  
Thomas Grinold  
Perry P. Dawley  
Samuel Albro, jr.  
Samuel S. Eldred  
Paul Champlin  
Jonathan Clarke  
Cyrus B. Champlin  
Benedict Eldred  
John Tucker  
Thomas B. Harvey  
John H. Whalley  
George W. Crandall  
Samuel Brown  
Alvin P. Tucker  
Joseph Hall  
George H. Card  
Jonathan Tucker  
William H. Tucker  
Arnold Holland  
Daniel S. Gould  
Ezekiel Watson  
Stephen H. Carpenter  
Job Greenman  
James J. Sweet  
Joshua Tucker  
Nathaniel Greene  
John C. Greene  
James Thomas  
Daniel S. Underwood  
Gideon W. Allen  
John T. Jaquays  
Frederick Chappell  
Arnold Bentley  
Joseph Champlin 3d  
Benjamin C. Perry  
Rowland Sherman

## SOUTH KINGSTOWN—Continued.

James T. Oatley  
 Asa Stedman, jr.  
 John R. Perry  
 Reuben Holland  
 Benjamin F. Sims  
 George J. Holland  
 Clarke Tuckér  
 Jonathan Gould  
 Jeremiah B. Hazzard  
 John C. Whitehorne  
 Niles Potter  
 Willard Hazard  
 George W. Hazard  
 Stephen G. Teft  
 James W. Smith  
 Joshua C. Tucker  
 Welcome Kinyon  
 John V. Northup  
 Samuel Crumb  
 David Northup  
 Edward H. Harvey  
 John K. S. Eldred  
 Joseph P. Potter  
 John Brayman  
 Samuel Sweet  
 Samuel T. Segar  
 Elijah Champlin  
 Thomas J. Champlin  
 Joshua Tucker, jr.  
 William M. Rodman  
 Albert Burdick  
 Arnold Tucker  
 Jonathan A. Gould  
 Jason Reed  
 Luther Webster  
 Samuel Allen 2d  
 Joseph B. Gould  
 William A. Weeden  
 William P. Babcock  
 Christopher G. Larkin  
 Benjamin Grinold  
 Henry Allen  
 George Allen  
 Jeremiah W. Whalley  
 Nicholas Northup  
 Benjamin Northup  
 Joshua B. Card  
 Robert Rathbun  
 William W. Moore  
 Raymond Holland

Thomas A. Gould  
 John Tourgee  
 John G. Perry  
 Nicholas Sherman  
 William N. Knowles  
 Willett A. Barber  
 Raymond Chappell  
 Daniel R. Curtis  
 Mathew Nichols, jr.  
 James W. Curtis  
 James W. Rodman  
 George Champlin  
 Sylvester Albrow  
 Samuel Curtis  
 Erasmus D. Campbell  
 Thomas Clarke  
 Ebenezer Smith  
 John A. Smith  
 Asa Stedman  
 Benjamin T. Rodman  
 Esbon S. Taylor  
 Henry B. Money  
 Daniel G. Campbell  
 James L. Eagleston  
 John S. Whalley  
 Thomas P. Church  
 Nicholas N. Holland  
 Gideon Greenman, jr.  
 John D. Austin  
 William J. Cory  
 Samuel Stedman  
 William Sims  
 George Gardner  
 William P. Holloway  
 Clarke Rodman  
 Job Briggs  
 John G. Brayman  
 Thomas Billington  
 Champlin Dewey  
 Orson Earle  
 James Horndo  
 Samuel P. Tucker  
 Beriah Gardner  
 John Austin  
 Asa Dye  
 David Nason  
 Henry Card  
 Nelson Tucker  
 Samuel P. Perry  
 William Tourgee, jr.

## SOUTH KINGSTOWN—Continued.

Joseph Segars  
 James Reynolds  
 Stephen S. Grinold  
 Sylvanus Holloway  
 Jeffery Gardner  
 Rowland H. Carpenter  
 Robert Rodman  
 Alexander Smith  
 George T. Tourgee  
 Henry Holland, jr.  
 Benjamin Clarke  
 William Champlin  
 Hazzard Holland  
 Philip Tourgee  
 William Cook  
 Daniel Holland  
 Hazard H. Holland  
 Charles W. Holland  
 Silas P. Greenman  
 Henry L. Jaquays  
 George W. Eggleston  
 Luke Church  
 John Caswell  
 John G. Larkin  
 Henry Case  
 Palmer Gardner  
 George Weeden  
 Nathaniel Armstrong  
 Timothy Carpenter  
 Levi Phillips  
 Samuel S. Tucker  
 Reuben Caswell  
 Wescott Smith  
 John T. Bentley  
 Peynold P. Potter  
 Benjamin Cottrell  
 Richard Carpenter  
 Charles Austin  
 Benjamin Holland  
 Peter R. Whaley  
 Reuben Cook  
 John Holland, jr.  
 Mathew Nichols  
 John P. Dyer  
 Joseph M. Taylor  
 William Sims, jr.  
 Ebenezer Knowles  
 Raymond Austin  
 Gideon Gardner  
 Samuel Albro

Joseph Champlin, jr.  
 Nathan Tucker, jr.  
 Stephen Clarke  
 Nathan S. Webster  
 Pardon Card  
 George A. Mumford  
 Nathan Webster  
 Stanton Stedman  
 James K. Taft  
 Jeremiah Whaley  
 Rodman Carpenter  
 Benjamin F. Peckham  
 Elisha A. Robinson  
 Rowse N. Carpenter  
 William K. Stanton  
 Perry Gavit  
 Daniel P. Gavit  
 Peter Holley  
 Robert Larkin  
 Daniel Gavit, jr.  
 William Gardner  
 Sylvester R. Gardner  
 Sweet Briggs 3d  
 William Tourgee  
 Samuel J. Allen  
 Gideon Greenman  
 Thomas J. Harvey  
 John D. S. Brayman  
 John Northup  
 Rowland R. Gardner  
 Elijah Champlin, jr.  
 Peter Hazzard  
 Adam P. Helme  
 Thomas J. Hiscox  
 Thomas B. Hazzard, jr.  
 William R. Brayman  
 Benjamin Rodman  
 Thomas Gould  
 Henry Stedman, jr.

Qualified,	138 for.
Not qualified,	137 "
Qualified,	9 against.
Not qualified,	1 "

Total,	<u>285</u>
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No. 122.

## VOTERS IN EXETER, WASHINGTON COUNTY.

*Qualified.*

Willet R. Lillibridge  
 Lyman Moore  
 William B. Bliven  
 William Johnson  
 Cranston Bliven  
 Moses Richmond  
 Robert Richmond  
 Isaac Moore  
 Rowland Arnold  
 Ellery Barber  
 James Lewis  
 George Barber  
 Ezekiel J. Boss  
 Benjamin Richmond  
 Bishop T. Nichols  
 Noah Palmer  
 John Palmer  
 Benjamin B. Woodmansee  
 Sheffield Barber  
 Clark Congdon  
 Preserved Hall  
 Henry V. Joslin  
 Christopher Smith  
 Joseph A. Tillinghast  
 John Davis  
 John Allen  
 Philip B. Davis  
 John Whitford  
 Howland Smith  
 Daniel Smith  
 William Austin  
 Robert Rathbone  
 Daniel L. Money  
 Emanuel Congdon  
 Hiram G. Arnold  
 John S. Place  
 James R. Arnold  
 Dutee J. Hall  
 William W. Champlin  
 George A. Wells  
 Slocum Hall  
 Isaac L. Arnold  
 John Sisson  
 John Brown  
 Benedict Arnold  
 William N. Brown

Stephen Congdon  
 James Congdon  
 Edward Richmond  
 Allen C. Douglas  
 Mathew Palmer  
 Asher Palmer

*Not qualified.*

William Bliven  
 Joseph P. Barber  
 Alitius Burlingame  
 Simons Ney  
 Benjamin Sweet  
 Benjamin H. Reynolds  
 James R. Case  
 John Richmond, 2d  
 Daniel Sheldon  
 Ezekiel H. Sanderlin  
 Harris C. Geer  
 Josiah Barber  
 William R. Sweet  
 Sheffield M. Palmer  
 Richard Sweet  
 William Townsend  
 Daniel Barber  
 Nicholas Hawkins  
 Nathan B. Lillibridge  
 Simon Jordan  
 Beriah Ney  
 Robert B. Richmond  
 Thomas L. Palmer  
 Caleb S. Lewis  
 Nathan Palmer  
 Joseph Phillips  
 Daniel Tanner  
 Bowen J. Gardner  
 Benjamin Arnold  
 James Roy  
 William S. Fry  
 Joshua Pendleton  
 Ebenezer Brown  
 Dennison Sisson  
 Stukely Brown  
 William Spink  
 Daniel Arnold  
 Emanuel Sheffield  
 Barnot Sisson

## EXETER—Continued.

John Reynolds  
 Amos S. Sinclair  
 Oliver D. Hall  
 Gardner C. Slocum  
 Silas Bramar  
 Jedediah D. Browning  
 Warren G. Lewis  
 Sylvester S. Gardner  
 William E. Tanner  
 Joel Geese  
 James Davis  
 John P. Perkins  
 Jacob Smith  
 Sterry Parker  
 Mowry Bates, jr.  
 Lyman Ney  
 John Searles  
 John B. Lawton  
 Joseph Palmer  
 George R. Sprague  
 Mowry L. Britton  
 Benjamin S. Barber  
 Abel B. Clarke  
 Daniel Kenney  
 Charles Tripp  
 John Boss

Benjamin Gardner  
 William R. Wilbour  
 John Phillips  
 Joshua Pierce  
 Simon Lewis  
 Joseph Gardner  
 Erastus H. Moore  
 Elisha Phillips  
 Schuyler Fisher  
 Lemuel Sweetland  
 William C. Cory  
 George W. Allen  
 Rathbone Northrup  
 Oliver Lockwood  
 Benjamin O. Spink  
 James Hendrick, jr.  
 James Test

Qualified,	52
Not qualified,	82

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## No. 123.

## VOTERS IN RICHMOND, WASHINGTON COUNTY.

William James  
 Reynolds James  
 Dennison D. Tillinghast  
 Billings B. Lewis  
 Isaac Kenyon  
 Joseph Boss  
 David Barber  
 Benedict K. James  
 Clarke Coone  
 Benjamin R. Perry  
 Joseph Crandall, jr.  
 Aaron Church  
 Moses Andrew  
 Abner N. Woodmansey  
 Daniel Larkin  
 Ezekiel B. Phillips  
 Elisha Coone  
 Burdick Kenyon

Nathan Wilcox  
 Christopher Coone  
 Samuel Kenyon  
 George Niles  
 Peleg S. Brown  
 George Shoves  
 George W. Potter  
 William W. Jackson  
 Sanford W. Foster  
 Benjamin Worden  
 John H. Worden  
 Jeremiah Boss  
 Lewis C. Kenyon  
 Daniel Kenyon  
 George Atwood  
 Moses K. Woodmansee  
 John Woodmansee  
 Sabin Kinsley

## RICHMOND—Continued.

Joseph Woodmansee	George B. Sisson
Er Kenyon	John Reynolds
Benjamin Lock	Joseph Crandall
John Barber	Elijah Scranton
Reuben Kenyon	Peleg Griffin
Gilbert Barber	Luther Matteson
Welcome C. Burdick	Thomas R. Worden
Johnathan Colgrove	Joshua Eldridge
Reuben Tanner	Silas Richmond
Edmund B. Johnson	William L. Richmond
Luther A. Palmer	Charles B. Lock
Simon Matteson	Daniel J. Kingsley
Benedict Brown	Maxson J. Kenyon
John Warren	Stephen Matteson
Moses Clarke	John B. Kenyon
Varnum Ney	Arnold Kenyon
James W. Clarke	Stephen Sherman
Clarke B. Coone	James Vallett
James Burdick	Reynolds Hoxie
George W. Baggs	William W. Kenyon
Silas James	Benjamin Worden
Harden Harris	Henry Northup
Horace Johnson	John Phillips
Eson B. Lock	Daniel Beaman
Nathaniel Niles	Nicholas Clarke
Silas R. Kenyon	Nathaniel Pierce
Wells Reynolds	Moses Clarke
William Reynolds	Augustus Button
Rodman Kenyon	Jonathan Pierce
Luke Clarke	Joseph Maxson
Card F. Sheffield	Robert Hazzard
Pitnan V. Clarke	Ebenezer G. Church
Remington B. Kenyon	Nicholas H. Phillips
William Byington	Stedman Kenyon
Chatman Matteson	S. S. Hulins
Joseph Church	Simeon P. Clarke
William Larkin	V. R. Stephens
John Larkin	Lymon Kenyon
Lodwick Church	Charles Clarke
John P. Arnold	Thomas Austin
Joshua Lock	Francis Burdick
Jonathan Webster	John Targee, jr.
George R. Woodmansee	Zebulon Burdick
Jeremiah Niles	David C. Woodmansee
Enoch C. Stedman	John Stocum, jr.
Edward N. Tillinghast	
Joseph C. Woodmansee	Qualified, 44
Joseph Gould	Not qualified, 88
Joseph Gould, jr.	
Robert N. Barber	Total, 132
Eden Blake	



## VOTERS IN CHARLESTOWN, WASHINGTON COUNTY.

Scranton Chappel  
 William Greenman  
 Thomas Webster  
 Joseph Cross  
 Hoxie Perry  
 William Card  
 Caleb Ney  
 John E. Smith  
 Benjamin Tucker  
 Elisha Card  
 Peleg N. Tew  
 Gideon Holloway  
 David C. Larkin  
 Daniel Hall  
 Welcome Chappell  
 Hazard G. Kenyon  
 Benjamin C. Card  
 Peleg Tucker  
 Samuel C. Card  
 Noah Holloway  
 Robert Clarke  
 John Tucker  
 Peter Boss  
 Jesse Clarke  
 Joseph Gavit  
 Joseph H. Lewis  
 William H. Perry  
 Maxson Greene  
 William B. Tucker  
 Benjamin Tucker  
 William Card  
 Welcome B. Greene  
 Jason P. Greene  
 Henry Greene  
 John Holloway  
 Oliver Gavit  
 Samuel Frye  
 Jesse B. Crumb  
 Benjamin C. Baggs  
 Jeremiah A. Kenyon  
 William N. Clarke  
 Augustus Burdick  
 George H. Sherman  
 Robert Hazzard  
 Joseph E. Baggs  
 James N. Kenyon  
 Edward L. Green  
 Aldrich Potter

Samuel Stanton  
 John Edwards  
 Lodowick Hoxsie  
 Robert B. Peckham  
 John Stanton  
 Henry C. Burdick  
 Arnold Hiscox, jr.  
 Daniel B. Irish  
 Arnold Hiscox  
 Benjamin Burdick  
 Lewis G. F. Randolph  
 Dennis Ennis  
 Lewis Kenyon  
 Henry Crandall  
 William Sheldon  
 Pardon Kenyon  
 Joseph Taylor  
 John S. Hiscox  
 William B. Rose  
 Ethan Crandall  
 Ephraim Gates  
 Joseph Burdick  
 John Macomber  
 Charles M. Card  
 George Browning  
 James A. Whitford  
 Thomas Clarke  
 Welcome Burdick  
 George F. Burdick  
 John W. Tucker  
 Alva Taylor  
 Holden Almy  
 George W. Sweet  
 Charles Burdick  
 Gilbert Taylor  
 Joseph Chuch  
 Joseph Wilcox  
 David S. Davoll  
 Sanford Gavit  
 Job Taylor  
 George W. Taylor  
 Simeon Adams  
 John A. Kenyon  
 David N. Macomber  
 Nathaniel Sheffield  
 Marboro N. Gardner  
 Daniel W. Wright  
 James Kenyon

## CHARLESTOWN—Continued.

Billings Macomber	Qualified,	64
Albert W. Stauton	Not qualified,	36
Alvin Greene		
Thomas Healey	Total,	100

## No. 125.

## VOTERS IN HOPKINTON, WASHINGTON COUNTY.

Joseph Spicer, jr.	Joseph Crandall
Joseph Spicer	George Y. Collins
John S. Champlin	James Babcock
Jesse Wilbur, jr.	Noyes W. Kinyon
John Main	Benjamin B. Thurston
Thomas Richardson	David Avery
George Gates	Jonathan S. Larkin
John K. Barber	Noyes D. Wheeler
Samuel Burdick	Samuel Coone
Edmund Jordon	Daniel Coone
Augustus L. Wells	Benjamin F. Wells
Reuben Larkin	Ichabod Burdick
Lodowic Sisson	Oliver D. Cole
Thomas T. Larkin	Isaac C. Burdick
John Lewis	Samuel Crandall, jr.
Timothy S. Wales	Hezekiah Palmer
Alfred L. Palmer	Samuel Foster
Hezekiah Larkin	Jesse Wilber
George Beverly	Adam B. Champlin
Samuel Woodmansee	Samuel Coon, jr.
Jonathan Burdick	Pardon Wright
Eli Button	Ray G. Burlingame
Pardon K. Tefft	Jonathan C. Taylor
Joseph R. Allen	Russell Crandall
Azariah Maine	Luke B. Maxson
George W. Braman	Asael Gardner
Simson Babcock, 3d	Thomas C. Phillips
Sanders Sisson	Nicholas V. Crandall
John T. Edwards	George Taber
Stanton G. Edwards	John Larkin
Daniel C. Crandall	William W. Tanner
William C. Crandall	Benjamin B. James
Thomas Kenyon	Stephen Bates
Philip C. Champlin	Samuel Crandall
Robert Langworthy	Asa Woodmansee
Jedediah D. Wittee	Isaac S. Crandall
Joshua Button	Thomas P. Dye
Horace Thurston	Dudley F. Saunders
Albert Wells	Nathan Phillips
William Burton	Benjamin Taber
Samuel Allen	Benjamin H. Young
Ephraim Button	Henry Taber

## HOPKINTON—Continued.

Thomas P. Kenyon  
 Hazard B. Woodmansee  
 Abel Fenner  
 Matthew S. Barber  
 Bowen Fenner  
 Silas Teft  
 Job Jordan  
 Jared Barber  
 Godfrey A. Kenyon  
 Joshua A. Godfrey  
 Green Allen  
 Green B. Allen  
 Jesse Brown  
 Ephraim Stillman  
 Edward S. Wells  
 Benjamin F. Chester  
 Joseph Prosser  
 Thomas Burton  
 John Lampher  
 Braddock Davol  
 James H. Sheldon  
 George Richmond  
 Joseph P. Wilcox  
 John P. Burdick  
 Amos Kenyon  
 William S. Alexander  
 Ezra G. Palmer  
 Nathaniel Hall  
 Perry M. Palmer  
 Joseph A. Richmond  
 Rowse C. Kenyon  
 Jeremiah Button  
 Oliver Clarke  
 Asa Jaques  
 Daniel N. Hall  
 David Brown  
 William Clarke  
 Sanford N. Button  
 Kenyon Lampher  
 Stephen A. Lock  
 Peleg Green  
 Paul Healey  
 Christopher N. Chester  
 Charles A. Phillips  
 Asa Worden  
 Sihon S. Burdick  
 Ephraim Clarke  
 Matthew Burdick  
 Arnold Browning  
 John P. Babcock  
 Simon Kenyon

Lyman Woodmansee  
 Abel Larkin, jr.  
 Clarke Sanders  
 David Langworthy  
 Stephen Austin  
 Benjamin F. Newton  
 William T. Thurston  
 John H. Wells  
 Jesse Kenyon  
 Arthur Fenner  
 Jonathan Boss  
 James M. Weeks  
 James B. Anthony  
 Beriah B. Knowles  
 Mumford Burdick  
 Stephen Wright  
 Charles Noyes  
 Arnold B. Barber  
 George Barber  
 Robert Douglas  
 John E. Douglas  
 Fones G. Wilbur  
 Eliab Blake  
 Charles R. Perry  
 Christopher Brown, jr.  
 James Stanbrough, jr.  
 George A. Babcock  
 Lester Crandall  
 Henry Lewis  
 Jacob D. Babcock  
 Franklin Barber  
 Samuel P. Kinyon  
 Daniel M. Crandall  
 George Hoxie  
 Daniel Lewis  
 Lebbeus Cottrell, jr.  
 Peter Davis  
 Horatio S. Berry  
 Jonathan C. Johnson  
 Jeremiah Baggs

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Qualified -	-	-	81
Not qualified	-	-	81
<hr/>			
For	-	-	162
Against	-	-	13
<hr/>			
Total	-	-	175
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## VOTERS IN WESTERLY, WASHINGTON COUNTY.

Maxson Chase  
 William Saunders  
 George H. Peckham  
 John Perrin  
 Rufus Ames  
 William H. Reynolds  
 John P. Main  
 George Brown  
 Jerome Webster  
 Benjamin P. Babcock  
 William Yorke  
 William P. Arnold  
 Ebenezer Geers  
 Enoch Gould  
 Samuel P. Lawton  
 Peleg Sisson  
 Horace Brightman  
 George S. Coy  
 Daniel C. Hammond  
 Varnum S. Hale  
 John Peckham  
 Clarke Stillman  
 Ephraim Hiscox  
 Simeon Hall  
 Ezra Babcock  
 Samuel Sims  
 Ichabod B. Sisson  
 Elliot Pendleton  
 James Lee  
 James York  
 William Champlin  
 David O. Main  
 Hosea Barber  
 John H. Cross  
 Benjamin Yorke, jr.  
 Sylvester Coon  
 Robinson Dunham  
 John G. Lamphere  
 Robert Burdick  
 Joseph Crandall  
 John B. Stedman, jr.  
 Elias Cottrell  
 William B. Tift  
 William H. Main  
 Perry G. Babcock  
 Lodowick Hazzard  
 John C. Geer  
 Oliver Babcock

Daniel Stedman, jr.  
 Thomas Brightman  
 John Lee  
 Charles Leonard  
 Charles Ford  
 Samuel S. Larkin  
 Isaac W. Gavitt  
 Albert Crandall  
 Adam Stilman  
 Samuel Slocum  
 James Yorke, jr.  
 Charles C. Burdick  
 Esek Carr  
 Silas W. Edwards  
 Thomas G. Hazzard  
 Charles Crandall  
 William Yorke, 2d  
 Coddington Bliven  
 Amos P. Chapman  
 William Sisson  
 Clark Lamphere  
 Sanford Sisson  
 Job W. Rathbone  
 Ezra B. Thompson  
 Nathaniel Chase  
 George S. Barber  
 Nathan M. Chase  
 David Gavitt  
 William E. Parkinson  
 Charles L. Pendleton  
 Gordon Perigo  
 Thayer J. Crandall  
 John K. Dunn  
 Emery Sisson  
 William R. Frazer  
 Stephen G. Northup  
 Henry C. Card  
 Benjamin G. Rogers  
 Brenton J. Clarke  
 Pardon Lewis  
 William S. Breed  
 Benadam Richardson  
 David Saunders  
 John B. Tift  
 Jonathan Lamphere  
 Nathaniel West  
 Alfred A. Crandall  
 Nelson H. Crandall

## WESTERLY—Continued.

Alfred Bliven  
 William Greene  
 Daniel Lampheer, jr.  
 Benjamin Burdick  
 Daniel Stilman  
 Isaac P. Merritt  
 Elisha A. Cables  
 Joseph L. Bliven  
 Joseph Casswell  
 Prentice Lampheer, jr.  
 Elisha West  
 Saxton Berry  
 Phineas Stilman  
 Samuel R. Wye  
 Henry Davis  
 Christopher Lewis  
 Benjamin P. Crandall  
 Samuel Saunders, jr.  
 Bradford Bliven  
 Amos Edwards  
 Perry Lampheer  
 Henry W. Lee  
 Enoch Lamphere  
 Daniel Lamphere  
 Silas Edwards  
 Francis S. West  
 James G. Ells  
 Robert Brown  
 Nelson Brown  
 William Gavitt  
 Frederick Duncomb  
 Roy G. Burdick  
 John Scott  
 John C. Thurston  
 Joseph C. Nash  
 Henry Remington  
 Benjamin Yorke  
 Samuel Chapman  
 Oliver Wilcox  
 Henry C. Gavitt  
 Jeremiah S. Dodge  
 Nathan Bliven  
 Pardon Greene  
 Henry R. Gavitt  
 Peleg Clarke  
 Lemuel Yose, jr.  
 Daniel Bliven  
 Johnson Miller  
 Timothy Sisson  
 George Barber

William Rathbone  
 David T. Rathbone  
 Barney Sisson  
 Joshua F. Sisson  
 Thomas Brightman  
 Edwin P. Berry  
 James Peckham  
 Maxson Greene  
 Jared Main  
 Edward N. Taylor  
 Benjamin Gavitt  
 Elias Saunders  
 Isaac Hall  
 George Wilcox  
 Stephen Saunders  
 Joseph W. Bliven  
 Benajah Gavitt  
 George G. Chapman  
 Ezekiel Gavitt  
 Joseph Gavitt  
 James Ross  
 Joseph Hiscox  
 John Hiscox  
 John A. Champlin  
 Augustus York  
 James Crandall  
 Philip Saunders  
 Samuel Saunders  
 Stephen Burdick  
 Thayer N. Crandall  
 William Crandall  
 Mathias Crandall  
 Russell Cottrell  
 Albert Clarke  
 Peleg Peckham  
 Elisha Saunders  
 Weeden Barber, jr.  
 Charles Saunders  
 Charles Burdick  
 Christopher Rathbone  
 Joshua C. Crandall  
 Darius Bliven  
 Lebbens Cottrell  
 William Brown  
 Gideon H. Noyes  
 Sanford Noyes  
 Sanford Noyes, jr.  
 Gorton Gardner  
 Lyndon Taylor  
 Benjamin L. Burdick

## WESTERLY—Continued.

William Thompson  
 Edmund Rogers  
 Alexander Bradford  
 Thomas H. Vincent  
 Warren G. Crandall  
 Joseph Sisson  
 Ira Burden  
 Franklin M. Saunders  
 James H. Clarke  
 Charles Murphy  
 Sumner Chapman  
 Weeden H. Berry  
 Joshua Barber  
 John P. Nye  
 William Thompson  
 Jonathan Burdick  
 John Crandall  
 Oliver Davis  
 Amos Burdick  
 Arnold Crumb, jr.  
 Paris Eldridge  
 Charles Bliven  
 Thomas N. Bliven  
 Stephen Codner  
 John Ross  
 Clark Burdick  
 James Crandall, jr.  
 Clark Hiscox  
 Truman Burdick  
 William Langworthy  
 Joseph Macomber  
 Rowland Babcock  
 Peter Crandall

Rowland Peckham  
 Joseph Burdick  
 John P. Dyer, jr.  
 James Babcock  
 David Harvey  
 Joseph T. Ross  
 Weeden Barber  
 Charles Vars  
 David Peckham  
 Rowland C. Sanders  
 George Lamphere  
 Richard B. Carpenter  
 Francis Carpenter  
 Benjamin S. Burdick  
 Benjamin P. Barber  
 George W. Ells  
 George F. Crandall  
 Dudley Frink  
 Henry Crandall  
 Jonathan Burdick  
 George W. Crandall  
 George Eddy  
 Horatio W. Burdick (against.)

Qualified	-	-	- 107
Not qualified	-	-	- 144
<hr/>			
For	-	-	- 251
Against	-	-	- 1
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Total	-	-	- 252

## No. 127.

## VOTERS IN NEWPORT.

*Freeholders.*

Henry H. Thurston  
 Joseph E. Cranston  
 James Hart  
 William R. Budlong  
 Nicholas Hazard  
 Richard Sanford  
 John H. Barker  
 John Goddard  
 Benjamin Oman

William Hall  
 Samuel Watson  
 Daniel Brown  
 Elisha Case  
 John H. Moore  
 Otis Chaffin  
 Nathaniel Smith  
 Micah W. Spencer  
 Henry W. Vernon  
 George W. Stanhope  
 Francis B. Peckham



## NEWPORT—Continued.

John Carr  
 Francis Henderson, jr.  
 Eleazer J. Read  
 John F. Tennant  
 Stephen F. Stanton  
 Horatio N. Tracy  
 William P. Cory  
 Samuel H. Oxx  
 Samuel Greene  
 George B. Hazard  
 Simon S. Nichols  
 Dutee J. Pearce  
 James Pitman  
 John C. Card  
 Richard Hazard  
 William N. G. Helme  
 Benjamin B. Hazard  
 James A. Greene  
 Henry Oman  
 Johettion T. Almy  
 Joseph M. Lyon  
 Robert R. Carr  
 Daniel B. Davis  
 Abiel Spencer  
 James G. Card  
 George Hazard  
 Henry Hedley  
 Peleg Brier  
 Samuel Vaughan  
 Joseph Joslin  
 William S. Cranston  
 Charles Williams  
 Benjamin H. Ailman  
 Charles W. Underwood  
 John Allan  
 Caleb C. Tripp  
 Samuel Hazard  
 John J. Grinman  
 William Peabody  
 Robert C. Sisson  
 William Gray  
 Samuel Sterne  
 Henry McGown  
 Noah Barker  
 Perry Weaver  
 George W. Anthony  
 Thomas Aldrich  
 Daniel McAllister  
 George Comstock  
 George Turner

William Swan, jr.  
 John Alger  
 William C. Tennant  
 William W. Horsewell  
 William Rider  
 Thomas J. Peckham  
 Elisha Atkins  
 Nathan Stanton  
 Joseph Crandall  
 William Bottemore  
 Edwin Wilcox  
 Milton Hall  
 Caleb Tripp, jr.  
 Job S. Eldridge  
 David S. Holloway  
 Charles E. Bell  
 Benjamin H. Lawton  
 John Sterne  
 James Smith  
 James L. Weaver  
 Jeremiah B. Eddy  
 Peter B. Underwood  
 Daniel Peckham  
 Joseph Anthony  
 Andrew Winslow, jr.  
 Abraham M. McGregor  
 Michael Corney  
 Robert Settle  
 William G. Hammond  
 William J. Tilley  
 William Goff  
 John C. Clarke  
 William Alger  
 William Vars  
 Clark Burdick  
 John Stringer  
 Benjamin W. Carr  
 William B. Rider  
 John B. Clarke  
 Gilbert Chase  
 Sumner M. Stewart  
 Sanford Bell  
 Henry G. Place  
 John Wilson  
 George C. Shaw  
 Edward H. Tew  
 John H. Watson  
 Joseph Southwick, jr.  
 Samuel Moses  
 Charles Barker

## NEWPORT—Continued.

Cyril B. Weaver  
 Walter W. Simmons  
 John H. Crossby  
 John T. Anthony  
 John A. Stacy  
 John Salisbury  
 William D. Ross  
 John McGregor  
 Stephen S. Vars  
 Raymond Durfee  
 Benjamin T. Freebody  
 Joseph F. Havens  
 Edward McHough  
 Morris Ashton  
 Jesse Cudworth  
 John Lewis  
 Gilbert Stanton  
 Josiah Southwick  
 Peleg G. Sweet  
 Samuel P. Mason  
 James Simmons  
 Truman B. Spooner  
 Stephen Albro  
 Edward Watson  
 Joshua Tew, jr.  
 William Lewis  
 Thomas P. White  
 William Card  
 Nathaniel M. Chaffee  
 Giles Barney  
 Benoni Ward  
 William Smith  
 John F. Brown  
 Joshua Stacy  
 Edward Willis  
 Thomas C. Weaver  
 Henry A. Mulligan  
 William B. Wilson  
 William F. Smith  
 John H. Watson  
 Pitts Southwick  
 Thomas J. Stedman  
 Johnathan R. Gardner  
 Nicholas Austin  
 John Hunt  
 Thomas E. Gardner  
 Alexis Menage  
 William Shearman  
 Thomas B. Shearman  
 Solomon Peckham

George A. Peabody  
 George W. Albro  
 Edward T. Williams  
 George Harrington  
 Joseph Freeborn  
 William Card, jr.  
 Josiah S. Monroe  
 John Gladding  
 William McCan  
 George B. Kelton  
 John J. Stacy  
 Samuel Keenon  
 George C. Scott  
 John Patterson  
 William Lewis  
 Robert Wylie  
 Charles Russell  
 William Giles  
 James L. Hazard  
 William G. Crandall  
 James Webb  
 Edward L. Tilley  
 James Alger  
 Staunton Peckham  
 John Easton  
 Samuel J. Carr  
 Lewis Mitchell  
 Joseph Southwick  
 Jeremiah Greenman  
 William Mansfield  
 William Greenman  
 Simon Scott  
 Francis Scott  
 Thomas Pratt  
 Simon Hart, jr.  
 John E. Goff  
 George Popple, jr.  
 Joseph Simmons  
 Thomas C. Shearman  
 William H. Settle  
 William Young  
 Clarke Weaver  
 William Hall  
 Thomas Rotch  
 William Ennis  
 Thomas Sweet  
 Benjamin G. Hunt  
 Abm. T. Peckham  
 Stephen Deblois  
 John Hull

## NEWPORT—Continued.

Samuel S. Maxon  
 Isaac Burdick  
 Benjamin C. Steevens  
 George Clarke  
 Joseph M. Coit  
 John Gladding  
 Albert Watson  
 Job A. Peckham  
 William G. Peckham  
 Robert H. Stanton  
 Alden F. Simmons  
 Henry Anthony  
 James M. Tuel  
 Benjamin Peabody  
 Heleven Hollowell  
 James Cornell  
 Joseph Smith  
 William H. Chase  
 Asa Shaw  
 William W. Stoddard  
 Isaac Sisson  
 Thomas Fowler  
 Job Cornell  
 William H. Read  
 William Turner  
 Charles Collins  
 Richard Shaw  
 William D. Read  
 William J. Holt  
 Laughlin Dowling  
 George L. White  
 Pardon Cory  
 Benjamin Gardner  
 John Spooner  
 Benjamin S. Settle  
 Joshua Tew, jr.  
 Peleg Sanford  
 Gideon Palmer, jr.  
 Edwin Peabody  
 Ezekiel Hopkins  
 Perry C. Irish  
 Robert M. Franklin, jr.  
 Richard B. Mumford  
 Charles R. Budlong  
 Stanton Congdon  
 Nathaniel Lock  
 Robert M. Franklin  
 Daniel Peckham  
 Edward N. Sands  
 Samuel R. Carr

John Dring  
 Philip Dring  
 Caleb L. Ball  
 Green G. Reynolds  
 Silas Southwick  
 Benjamin Southwick  
 Joseph B. Freeborn  
 Thomas C. Allen  
 Lewis B. Caswell  
 Thomas H. Tew  
 Thomas T. Franklin  
 James K. Tift  
 Thomas B. Peabody  
 Samuel Southwick  
 Jeremiah Peabody, jr.  
 Samuel Ball, jr.  
 Stephen Weaver  
 Seneca B. Sprague  
 Samuel Smith  
 Robert Dunham  
 Samuel Gladding  
 William Sweet  
 Thomas H. Oxx  
 Ebenezer Briggs  
 Philip Shearman  
 Wm. P. Congdon  
 Wm. Young, jr.  
 Wm. S. Clarke  
 Henry J. Hudson  
 Thomas Gould  
 Wm. Wilbur  
 Geo. G. Chase  
 A. G. Shearman  
 Richard Sisson  
 Sanford Kinyon  
 S. W. Robinson  
 John Graham  
 Patrick Doyle  
 John Smith  
 James C. Butterworth  
 Rhodes A. Budlong  
 John C. Chapman  
 Charles Williams, jr.  
 Charles T. Hazard  
 John Peabody

*Non-freeholders.*

James Patterson  
 George J. Steele



## NEWPORT—Continued.

Thomas Armstrong  
 Thomas Hambleton  
 Albert Scott  
 William Mallett  
 Jeremiah Murphy  
 Timothy Downer  
 Caleb S. Knights  
 Charles N. Tilley  
 Augustus Teft  
 Jesse W. Nichols  
 Elliot Boss  
 Pardon A. White  
 Benjamin Chase  
 John A. Buffington  
 Mathew M. Trundy  
 Isaiah Burdick  
 William B. Greene  
 George S. Lyndon  
 D. B. Boutelle  
 Daniel Albro  
 Stephen Greenman  
 Simon Moffitt  
 William Huddy  
 Hunlick Huddy  
 Royal West  
 John R. Esbreck  
 Daniel Flanders  
 James Crandall  
 William Burroughs  
 John Daniel  
 James N. Allen  
 Charles Fenno  
 Gregory E. Hazard  
 Solomon Gladding  
 Joseph Dewitt  
 Samuel Potter  
 Smith Bosworth  
 George A. Wilson  
 Isaac Peckham  
 Patrick Ward  
 James Daugherty  
 Thomas Gould  
 James Rielly  
 John Hughes  
 Josiah O. Burdick  
 Michael Benson  
 Mathew Lyon  
 John Jaquay  
 James D. Herrick  
 Charles Chadwick

William R. Phillips  
 Alexander Asher  
 Alexander Morgan  
 Jacob Smith  
 William B. Fales  
 Charles Mason  
 Walter Rodman  
 Joseph B. Carr  
 William H. Smylie  
 Albert Cottrell  
 Beriah Crandall  
 David Sisson  
 Gideon Barker  
 Robert Minkley  
 George W. Babcock  
 George C. Davis  
 Henry Moore  
 Nathan Cory  
 Jonathan Baker  
 James M. Gill  
 John Millard  
 James Congdon  
 James Barker, jr.  
 Oliver D. Slocum  
 Joseph C. Francis  
 Abraham Thurston  
 Alexander Williams  
 Oliver Peckham  
 Samuel T. Oman  
 James Dubling  
 Richard A. Shearman  
 George Henderson  
 Henril Bacock  
 William A. Davis  
 John Clarke  
 William Coggeshall  
 Henry R. Underwood  
 Oliver Tennant  
 Knight W. Olney  
 James M. Melville  
 William White  
 Elisha Smith  
 William Bowler  
 Holden Almy  
 Benjamin W. Underwood  
 Edward Deacon  
 Joseph Carpenter  
 James M. Levis  
 Patrick Gleason  
 John O'Neal

## NEWPORT—Continued.

Patrick Fearlley  
 Benjamin Willard  
 George W. Johnson  
 Benjamin Ford  
 George Patterson  
 John Lawson  
 Elisha Bevvins  
 Daniel McEnnis  
 John Connelly  
 John R. Stedman  
 William Bolmley  
 John Cheney  
 Patrick Donnegan  
 William H. Denuis  
 Job Lawton  
 Robert W. Goffe  
 Henry Kinch  
 Wilhelm Mayer  
 John L. Lawrence  
 David Gifford  
 Thomas Stacy, jr.  
 H. C. Martin  
 Benjamin Crowell  
 Samuel T. Hopkins  
 Sylvanus Wilbur  
 Samuel Hunter  
 David Melville  
 Samuel Peckham  
 George Tripp  
 Gilbert Tompkins  
 Henry Gibbs  
 Charles B. Bowler  
 Cromwell Barlow  
 John S. Cook  
 Eleazer Allen  
 Silas Ward  
 Peleg Coggeshall  
 James Ormsbee  
 Jeremiah Bliss  
 Thomas Stacy, sen.  
 Jeremiah Hazard  
 Eliab King  
 Jefferson O. Riley  
 John Barney  
 William B. Lewis  
 John Barts  
 Henry Servans  
 Lawton Riggs  
 Michael Fennegan  
 William C. Tilley

Green Burroughs  
 James Barker  
 Daniel T. Swinburne  
 Samuel A. Parker  
 James T. Shearman  
 Thomas Cutter  
 Thomas Durfee  
 Robert Lawton  
 Levi H. Gale  
 William H. White  
 Albert Vernou  
 Abel Stevens  
 David Ross  
 George Taylor  
 John Young  
 Samuel Wilson  
 John Brown, jr.  
 Dennis Chambers  
 Nicholas Weaver  
 Alvin Crowell  
 Pardon V. Smith  
 Charles C. Heath  
 Edward Smith  
 William W. Dawley  
 William H. Carr  
 William Peckham  
 Joseph T. Monro  
 Caleb M. Davis  
 James M. Tew  
 John R. Smith  
 Reuel Hewitt  
 Henry Curtiss  
 Henry T. Walker  
 Calvin B. Bowers  
 Benjamin G. Tift  
 Nathaniel Simmons  
 Sydney J. Ashley  
 John H. Rider  
 Reuben Phillips  
 David Sisson, jr.  
 Elijah Baker  
 David B. Hall  
 James H. Demarest  
 Joseph Burroughs  
 Ebenezer Parlow, jr.  
 George H. Read  
 Whitman Peckham  
 Bowen Briggs  
 Latham T. Tew  
 George J. Almy

## NEWPORT—Continued.

Giles P. Rose  
 David Hogden  
 John H. Hall  
 Charles B. Weaver  
 Albert H. Hewitt  
 William S. Brown  
 Daniel Dewley  
 Thomas Allen  
 John S. Harvey  
 Orman Ellsbree  
 John J. Hazard  
 Nathaniel Davis  
 Job Fisher  
 John Henry  
 Benjamin Bliven  
 Edward M. Gladding  
 Jacob Y. Clarke  
 Joseph S. Havens  
 John Blake  
 William Gladding  
 Benjamin Allen  
 B. F. Knapp  
 John F. Crouch  
 Stephen Cross  
 William W. Brewster  
 Joseph Turner  
 William Smith  
 Charles Lascelle  
 Simon C. Healey  
 Francis G. Waldron  
 Abner Hathaway  
 William Oman  
 Daniel D. P. Benedict  
 John H. Anderson  
 James Hubbard  
 George Shearman  
 Stephen Bigelow  
 George Handy  
 William Martin  
 Harrison Brownell  
 Wright Carpenter  
 Gorton Briggs  
 Miles Barber  
 James Harvey  
 Ebenezer M. Brailey  
 Charles M. Kaull  
 Dennis Rhine  
 Franklin Marque  
 George Dunwell  
 Andrew Field

Israel Sherman  
 E. K. Thorndike  
 William P. Burt  
 Easton Peabody  
 Isaac Silsbee, jr.  
 Patrick Shaw  
 William Glenning  
 Joshua Davis  
 James Bright  
 John Deblois  
 John Murray  
 Bernard Hill  
 Lewis Titus  
 Edward H. Briggs  
 Jonathan Crowell  
 Patrick Fraley  
 Eben Winslow  
 Jonathan James  
 Henry M. Brownell  
 George M. Friend  
 Henry Drain  
 Patrick McKeen  
 James L. Wilkie  
 Henry H. Young  
 James L. Phillips  
 E. J. Alexander  
 J. McCormick  
 F. Dexter Potter  
 William Orcutt  
 Ch. Th. Velamnouski  
 Joseph A. Salkeld  
 John Beattie  
 Francis Allen  
 Francis E. Tanner  
 Joseph W. Parkinson  
 Reynolds Dawley  
 Joseph Boss  
 George E. Nason  
 Stephen Gorton  
 James Mahou  
 John Allan  
 Samuel Young  
 Edwin Peckham  
 Stephen B. Slocum  
 Bowers Fisk  
 John M. Fornick  
 John O. Sullivan  
 Michael Riley  
 John Cornell  
 John Paul



## NEWPORT—Continued.

Volney P. Gleason  
James Alexander  
John Drain  
William A. Fry  
Albert Goffe  
Nathaniel Littlefield  
Andrew Manchester  
Michael Lee  
Silas Ward  
Joseph Smith  
William H. Bailey  
Robinson Barker  
Walter D. Stanton  
William H. Waldin  
Obed King  
John Regan  
John Young  
Thomas A. Burgess  
George W. Turner  
James Kelley  
Charles Beatruck  
John Young  
Stephen B. Chase  
Allen Dudley  
James E. Weeden  
Robert Woodward  
Samuel Young  
Philip Rider  
Ray Bliven  
Daniel Albro  
Edward Langley  
Nathaniel R. Littlefield  
William Austin  
William C. Jaquay  
Thomas Wood  
Thomas White  
William Stacy  
Samuel Lock  
Lowell Brown  
Solomon Green  
Joseph C. Lawton  
Erasmus K. Peckham  
Giles Norton  
George Shearman, 2d  
Samuel Morrell  
Edward Landers  
William H. Townsend  
William A. Allen  
Truman J. Burdick  
Ephraim B. Irish

Edward Rose  
Nicholas G. Northup  
Benjamin H. Peckham  
Wilson Greenman  
Daniel Weaver  
George Deblois  
John B. Swan  
Gardner B. Reynolds  
Hosea Lewis  
John Goffe  
David K. Carr  
Henry C. Hubbard  
Peter Slocum  
David M. Barker  
William T. Potter  
Silas D. Deblois  
William Tew  
Thomas Oakley  
William Cutter  
David Bailey  
John L. Cranston  
George Burroughs  
Alfred Hudson  
John Pierson  
William A. Vickery  
David Albro  
Samuel Spooner  
John F. Brown  
Nathan Jaquay  
Peter Cowling  
Nathaniel Smith, jr.  
William Caswell, jr.  
William Batcheller  
Paul M. Ennis  
John E. Ennis  
James W. Gifford  
Zacheus Chase  
Albert G. White  
Dennis Leary  
Peter Wood  
William Barber  
Richard Burns  
John Fuller  
Francis Short  
James Clarke  
Samuel S. Mumford  
John Holland  
Thomas Pease  
Richard Landers  
Thomas Landers

## NEWPORT—Continued.

Patrick Benson  
 Florence Sullivan  
 Timothy A. Murphy  
 Peleg Lawton  
 Roger McCormick  
 Nelson Dawley  
 Oliver W. Spencer  
 Daniel A. Murphy, jr.  
 Robert Prior  
 John McCarty  
 William A. Weeden  
 Charles Mathews  
 Seth Brewer  
 John McCorrey  
 Timothy F. Congdon  
 Thomas Dunmore  
 John Salisbury  
 James Kennon  
 Darius Shainoe  
 James B. James  
 William Prophyl  
 Daniel Loughdellboro  
 Timothy Sullivan, jr.  
 John Murray, jr.  
 Daniel Garry  
 John Sullivan  
 Owen McManners  
 James R. Manney  
 Thomas Dawson  
 Samuel A. Murphy  
 James Connell  
 William May  
 Francis Tripp  
 Aaron Loughboro  
 Nicholas Alger  
 Henry Lee  
 Luke Bliven  
 Joseph Watson  
 Joseph M. Riggs  
 John B. Hammond  
 Charles Alger  
 George Barney  
 Daniel Anderson  
 Pardon W. Steevens  
 Samuel Burroughs  
 Willard Work  
 James Harregan  
 Patrick Murphy  
 Timothy Divine  
 Arnold L. Young

Dennis Holland  
 James Vail  
 Michael Cuddy  
 Andrew Rotch  
 Darby Shed  
 Patrick M. Sullivan  
 Peleg A. Dawley  
 Michael E. Peckham  
 Thomas J. Manchester  
 John Case  
 William Hammond  
 William Hill  
 William Sisson  
 William J. Roberts  
 Benjamin S. Dunwell  
 John Peabody  
 Charles Agen  
 Patrick Murphy  
 Timothy Sullivan, sen.  
 Dennis Bryne  
 Michael McBride  
 Samuel Freeborn  
 Michael McNamarra  
 Thomas McNamarra  
 Nathan E. Hammett  
 James Ellsbree  
 William B. Cranston  
 Michael Dilley  
 David Cudworth  
 Thomas Millington  
 Silas H. Lamphire  
 John Shortridge  
 Daniel B. Bartholic  
 William H. Howard  
 Thomas Kelton  
 Benjamin Spooner  
 John Terney  
 John O. Niel, jr.  
 John Whitehouse  
 Greene S. Greene  
 William A. Handy  
 William M. Mowry  
 George Weaver  
 Edward Allen, jr.  
 Ellery Coggeshall  
 Benjamin Freeborn  
 William Proctor  
 Rowse P. Gardner  
 David Northup  
 Russell J. Clarke

## NEWPORT—Continued.

Richard Sisson  
 John Williams, jr.  
 Nathan Whiting  
 Patrick Gorman  
 John Pitman  
 William Young  
 Joseph May  
 William W. Whales  
 Thomas B. Carr  
 William O. Sullivan  
 William S. Lawton  
 Alfred W. Hill  
 James Miller  
 Rev. Joseph Smith  
 George W. Albro  
 Thomas Gladding  
 Nathaniel Nason  
 John Heath  
 Peter W. Wilkey  
 Isaac Picket  
 Isaac Brown  
 John Delana  
 Michael Drewry  
 Valentine Mathews  
 Bartholomew Dolan  
 Patrick Roatch  
 Johnson H. Mathews  
 Michael Hanly  
 Henry Gladding  
 Edwin Sillman  
 Patrick Sullivan  
 John McNamarra  
 Charles Hagan  
 Thomas Mayner  
 Dennis McNamarra  
 Dennis Shay  
 Timothy Scantlin  
 George Kenyon  
 James Millburn  
 Joseph Emly  
 Thomas Greene  
 Samuel Leggett  
 Joseph Graham  
 James Patterson  
 John P. Smith  
 Walter Mumford  
 Thomas Gill  
 David G. Baker  
 Christopher G. Rodman  
 John W. Webster

Clarke Wilcox  
 James Asher  
 Mumford G. Northup  
 Thomas J. Whitman  
 Robert Grant  
 Wanton Hopkins  
 George B. Gardner  
 Alexander P. Jannegan  
 Sylvanus H. Albro  
 William Eldredge  
 Jeremiah Coleman  
 George Patterson  
 Stephen Potter  
 George Thomas  
 Seth C. Bradford  
 James H. Stedman  
 Robert D. Coggeshall  
 Stephen A. Robinson  
 Luther L. Allen  
 Charles J. Bliven  
 Jeremiah Goodspeed  
 Jonathan Perry  
 William R. Bennett  
 Dill S. Knight  
 Robert L. Church  
 Warren J. Lewis  
 Charles D. Beard  
 William E. Roggis  
 Isaac J. Coddington  
 Henry E. Wilkie  
 Philip C. Palmer  
 David C. Durfee  
 William L. Woodruff  
 Joseph C. Winters  
 Judson Cranston  
 Hezekiah Van Buren  
 Thomas Wall  
 John Cottrell  
 George E. Barrows  
 William L. Tilley  
 Stephen N. Jacquays  
 Owen Boote  
 P. A. Gaskin  
 Robert Hartin  
 Henry Dubois  
 Michael Masterson  
 Patrick Reynolds  
 David Donovan  
 William B. Peabody  
 John Dougherty



## NEWPORT—Continued.

David H. Gould  
 Eli McDaniels  
 Peter Squint  
 John Paull  
 Israel S. Griffin  
 Jeffery C. Potter  
 Charles Barnum  
 Isaac S. Fowler  
 Weeden Underwood  
 James D. Aldrich  
 Joshua Davis  
 Henry Barker  
 William L. Slocum  
 Jonathan Shearman  
 William Wilcox  
 George H. Wilson  
 William H. Friend  
 Jacob Lake  
 William C. Thurston  
 Benjamin Almy  
 Joseph Gladding  
 William Welch  
 John O. Connell  
 Andrew Halpin  
 Patrick Mayner  
 John Cleary  
 John Broader  
 William Frenner  
 John Quigley  
 Michael Conwell  
 William Carr  
 James O. Reiley  
 Wing Green  
 David Gifford  
 Gottlieb J. Weyser  
 Palmer Brown  
 Francis Harris  
 William Popple, jr.  
 William L. Howard  
 William Nason  
 Ernest Goffe  
 Frank Pease  
 William Russell  
 Charles Russell, jr.  
 David B. Taylor  
 Jesse Gardner  
 Cyrus Johnson  
 Thomas L. Boss  
 Job Howland  
 Charles M. Thurston, jr.

Benjamin Taylor  
 Bernard Donnolly  
 Ira French  
 Arnold Draper  
 Benjamin Douglas  
 Peleg C. Anthony  
 Samuel L. Church  
 Peter Dilman  
 Loring C. Cooke  
 Curtis J. Parker  
 John Myers  
 William Daws  
 George W. Carr  
 James Hamilton  
 Thomas Leonard  
 Peleg Thompson  
 Eliab King, jr.  
 Nathaniel King  
 William Kelley  
 John Pike  
 George Dunwell, jr.  
 John Bachelder  
 Joseph E. Dawley  
 Nicholas Alger, jr.  
 Robert Ewing  
 Robert Leggett  
 Ambrose Andrews  
 Stephen D. Stanton  
 William Pengley  
 Michael Bowell  
 Timothy Harrington  
 Philip Caswell  
 Daniel Harrington  
 Alford Mealy  
 Dennis Regan  
 Jeremiah Lynch  
 Patrick Murphy  
 James Core  
 James Congdon  
 Mark Sullivan  
 John Harrington  
 Robert Maguire  
 John Bradley  
 William Dunn  
 John Murphy  
 Patrick Dimican  
 Daniel Hurley  
 Thomas Record  
 George Beattie  
 Lewis B. Caswell, jr.

## NEWPORT—Continued.

Samuel Simson  
 Patrick Sutown  
 Edward Gladding  
 John Crosby  
 Michael McDonner  
 James M. Cook  
 Richard Lyon  
 Alonzo Hunt  
 Alex. B. Burdick  
 Daniel Congdon  
 Perry G. Case  
 John Cunningham  
 William Cunningham  
 John B. Barker  
 Benjamin T. Peckham  
 Thomas L. Stanhope  
 Nathaniel Monroe  
 James Cowrey  
 John Murphy  
 John Donkey  
 John Bardell  
 Dennis Harrington  
 Joseph Hart  
 William Huse  
 John Huse  
 Nicholas Francis  
 William Cowsen  
 Thomas Ryan  
 John Ryan  
 Thomas Finnegan  
 John M. Mahoon  
 Thomas Murphy  
 George W. Taylor  
 John Harrington  
 Cornelius McCarty  
 Thomas Holloway  
 Cornelius Way  
 James W. Doyall  
 Thomas Luff  
 Dewis Harrington  
 Jeremiah Flinman  
 Michael Regan  
 Johettion Patterson  
 Peleg Weeden  
 John Scott  
 Simon T. Webster  
 Patrick McNutty  
 William Smith  
 Thomas Simson  
 John Francis

John Richardson  
 George Simson  
 Moses Barlow  
 Thomas Huddy  
 Charles Taylor  
 Ebenezer Parlour  
 William King  
 John Cunningham  
 Charles C. Jordan  
 Henry Edmonds  
 William F. Clements  
 Joseph L. Barnes  
 George Shellinan  
 Warren L. Lewis  
 Richard Milton  
 William E. Bennett  
 Stephen R. King  
 John B. Nichols  
 James A. Farrell  
 John Langford  
 Taber Bennett  
 Arison Brownell  
 Selma M. Spink  
 John Steale  
 Benjamin Bateman  
 Charles Clarke  
 William E. Chappell  
 Thomas Sherman  
 Anthony Stewart  
 David P. Peckham  
 John Goff  
 James Wood  
 Asa Hildreth  
 Daniel Austin  
 George Lewis  
 David A. Baker  
 George Congdon  
 Philip Casswell  
 Daniel Patterson  
 John H. Clegg  
 John Hogan  
 Peter Kelly  
 James Meagher  
 William Ballance  
 Peter O'Connell  
 Daniel Kearney  
 Richard Norris  
 Thomas McElver  
 Daniel Doyle  
 Cornl. Barry

## NEWPORT—Continued.

William Foran  
 Patrick Whalen  
 William Rowe  
 Daniel O. Sullivan  
 Michael Sullivan  
 B. Ganning  
 James McGowan  
 Charles P. Barber  
 Edward J. Allen  
 Joseph C. Dennis  
 John Clarke  
 James H. Ailman  
 Syria Vaughn  
 James H. Wilson  
 Charles B. Horsewell  
 Samuel C. Potter  
 James Clifton  
 James Ogle  
 James Monkhouse  
 Darius E. Barker  
 James Hammond  
 William D. Callahan  
 John T. Freeborn  
 Laurent F. Nicolai  
 Giles Pearce, jr.  
 Rhodes Budlong  
 Edmund A. Brown  
 James Rusher  
 John Rusher  
 J. Francis Albro  
 Richard C. Spencer  
 James Dunn  
 Thomas Jeffery  
 Richard Newman  
 John Callahan  
 Michael McGrath  
 William Powers  
 A. Newton  
 Jeremiah Sullivan  
 Alexander Luney  
 Edward Lahwa  
 Christian Biah  
 John Coho  
 Benjamin G. Harvey  
 William H. Davis  
 Japheth Mason

Samuel Goddard  
 James M. Sherman  
 Oliver P. Sherman  
 John M. Allen  
 John Washburn  
 George W. Potter  
 David Crook  
 James Dority  
 George Martin  
 George Edgar  
 James Clarke  
 John Bailey, jr.  
 Samuel Lee  
 George L. Putnam  
 Edward R. Collins  
 Thomas J. Peckham  
 William C. Olney  
 Israel T. Horton  
 Henry Jewett  
 James R. Jacobs  
 Samuel Stewart  
 George N. Burch  
 John J. Andrews  
 Curtis A. Monro  
 William Tucker  
 Lorenzo Riley  
 Alexander N. Austin  
 Albert S. Manchester  
 John F. Taylor  
 Jeremiah L. Fowler  
 Augustus H. Robbins  
 John Hamilton  
 Philip Armstrong  
 James Graham  
 Patrick Ruffe  
 Henry T. H. Gatewood  
 John White  
 Robert B. Lawton

Qualified,	317
Not qualified,	890
Total,	<u>1207</u>



## No. 128.

## VOTERS IN MIDDLETOWN, NEWPORT COUNTY.

*Freeholders.*

Gardner Brown  
 Nathaniel Wyatt  
 Gideon Peckham  
 Barzillai Barker  
 Benjamin T. Remington  
 John S. Brown  
 William T. Wyatt  
 Caleb J. Albro

*Non freeholders.*

William Kaull  
 Abraham Barker  
 Abel Sherman  
 William Kaull, jr.  
 Levi Barker  
 Arnold Brayman  
 John N. Northup  
 George C. Kaull  
 Thomas C. Wyatt

Abraham Sherman  
 Edwin Barker  
 Gardner T. Slocum  
 Henry Barker  
 Joseph S. Barker  
 Robert Caswell  
 Uriah Stafford  
 Jonathan B. Northup  
 Oliver Dawley  
 George W. Allen  
 William C. Allen  
 James E. Wyatt  
 G. Barker Peckham

Freeholders	-	-	8
Non freeholders	-	-	22
Total	-	-	30

## No. 129.

## VOTERS IN PORTSMOUTH, NEWPORT COUNTY.

John Tallman  
 Thales Tallman  
 Jonathan Tallman  
 Alexander Davoll  
 James Brownell  
 Thomas Brownell  
 John Burrington  
 Levi Almy  
 John Brownell  
 John S. Brownell  
 Samuel Corey  
 Benjamin Greene  
 Lorenzo D. Tallman  
 Levi Tallman  
 Royall Davoll  
 William T. Eddy  
 John M. Keith  
 William B. Brownell  
 Henry F. Greene

George F. Hood  
 Joseph W. Greene  
 Oliver D. Greene  
 Otis P. Cobb  
 Peter Fagin  
 David B. Irish  
 Peleg T. Wait  
 Philip Almy  
 Peleg Almy  
 Isaac Peckham  
 Pardon White  
 David Fish  
 Henry F. Fish  
 Stephen Freeborn  
 Daniel Wilcox  
 David E. Monroe  
 Charles M. Vaughn  
 Edmund Freeborn  
 Robert Hicks, jr.

## PORTSMOUTH—Continued.

Peter Wood  
 Caleb A. Chadsey  
 Daniel Wait  
 Daniel Philips  
 William Dawley  
 Rowland Chase  
 Philip B. Bowen  
 John R. Babcock  
 Joseph W. Fisk  
 Nicholas Tallman  
 Albert G. Cook  
 George Cook  
 Cook Wilcox  
 Edward T. W. Cook  
 John W. Sherman  
 Job Sisson  
 Charles S. Freeborn  
 Benjamin Sherman  
 Isaac S. Cory  
 Benjamin Gardner  
 Hawkins Greene  
 Leonard Fish  
 James Boyd  
 Samuel Sisson  
 John W. Fish  
 Thomas Cory  
 Barzillai Fish  
 Robert Wilcox  
 Jonathan W. Coggeshall  
 Philip D. Lawton  
 William B. Lawton  
 Giles Lawton  
 James Irish  
 Stephen Slocum, 3d  
 Benjamin Peckham, jr.  
 Abner Macomber  
 Leonard Brown  
 George L. Fish  
 John Dennis  
 William H. Barker  
 David Brownell  
 Peleg Cornell  
 Samuel F. Essex  
 Abner B. Cory  
 Stephen C. Monroe  
 Abiel C. Fish  
 John McCorrie  
 Jesse T. Durfee

William C. Hazard  
 Benjamin Sisson  
 Raymond P. Dennis  
 John Cory  
 Henry P. Sisson  
 Asa Cory  
 Levi W. Cory  
 Thomas Gardner  
 Richmond W. Dennis  
 Joseph Cook  
 George Hall  
 Lorenzo D. Watts  
 George W. Brownell  
 Richmond Hazard  
 Abner Tallman  
 Andrew Brownell  
 Peleg Almy, jr.  
 Charles Almy  
 John Tallman 2d  
 David Anthony  
 Oliver Brownell  
 John W. Almy  
 Otis T. Peters  
 Stephen W. Cook  
 William A. Chase  
 Coriolanus Cook  
 John Almy  
 Charles E. Boyd  
 Arnold Pierce  
 Stephen W. Cory  
 Samuel Allen  
 Thomas Sherman  
 Frederick Sherman  
 William Sisson  
 Joseph S. Sherman  
 George Wilcox  
 Joseph Thomas  
 Charles P. Cornell  
 Parker Hall  
 Borden Chase

Freeholders -	-	-	67
Non-freeholders	-	-	59
Total	-	-	<u>126</u>

## No. 130.

## VOTERS IN JAMESTOWN, NEWPORT COUNTY.

John Remington  
 John O. Dockray  
 George Anthony  
 William A. Weeden  
 Robert Carr  
 Joseph M. Carr  
 Daniel W. Carr  
 William P. Carr  
 Oliver Hopkins  
 William A. Weeden, jr.  
 Joseph Hull  
 William W. Briggs  
 George C. Carr  
 Joshua Clarke  
 Charles H. Eldred  
 John W. Carr  
 John E. G. Weeden  
 John C. Grinnell  
 John Hammond  
 John T. Potter

Ebenezer Tift  
 Redmond Hull  
 William Briggs  
 Arnold Weeden  
 Isaac Carr  
 George Hull  
 Ananias Lockwood  
 James Tew  
 James A. Grinnell  
 William B. Reynolds  
 William Nye

Freeholders,	18
Non-freeholders,	13
Total,	31

## No. 131.

## VOTERS IN NEW SHOREHAM, BLOCK ISLAND.

*Freeholders and oldest sons.*

Solomon L. Dodge  
 Simon Ball  
 William Wessgate  
 John Sprague  
 Simon Babcock, jr.  
 John P. Allen  
 Simon R. Ball  
 William Clarke  
 Thomas D. Sprague  
 William Ball  
 Benjamin Sprague  
 Daniel R. Mitchel  
 William Rose 2d  
 John Dunn  
 Martin W. Rose  
 Rowland S. Oatley  
 Ray Littlefield  
 Jonathan Mitchell  
 John Ball

Joshua Ball, jr.  
 Levi L. Sprague  
 Rathbun Littlefield  
 Samuel Ball  
 Henry B. Stedman  
 Daniel Brown  
 James R. Mitchell  
 Daniel Rose  
 Littlefield Rose  
 Jonathan S. Ball  
 Jordan Rose  
 Simon Mitchell  
 Joseph B. Dickens  
 Lemuel B. Rose  
 John Mitchell  
 John L. Mitchell  
 Simon Dodge  
 William Vose  
 Noah Dodge  
 Amos D. Mitchell  
 Elias Littlefield



## NEW SHOREHAM—Continued.

Enoch Rose  
 Ezekiel Rose  
 Samuel Dunn  
 Giles P. Dunn  
 Barzillai B. Dunn  
 Noah D. Dunn  
 Joshua Dunn  
 George C. Ball  
 Nathaniel Dodge  
 Anthony Littlefield  
 Frederick Littlefield  
 John P. H. Sands  
 Caleb Westgate  
 Oliver D. Sprague  
 Frederick Rose  
 Ichabod Mitchell  
 Enoch Rose, jr.  
 Gideon Dodge  
 Silas N. Littlefield  
 Abel Ball  
 Joshua Ball  
 Henry Willis  
 John R. Mitchell  
 Gideon Spragne  
 Daniel Dickens  
 Caleb L. Rose  
 Hiram Dodge  
 Welcome Dodge  
 Lyman Ball  
 Edward Sands  
 Joshua Dodge  
 Sylvanus D. Willis  
 Hiram Ball  
 Gideon D. Ball  
 Trustum D. Mitchell  
 Joseph Mott  
 Levi Mitchell, jr.  
 Silas Mitchell  
 Joseph H. Smith  
 Moses D. Ball  
 Thomas Mitchell  
 John G. Sheffield  
 Reve Paine  
 Joshua Dodge  
 Isaac Chase  
 William Sprague  
 William Dodge  
 John E. Sands  
 Charles Babcock  
 Green Card  
 John Littlefield 2d

Bartlett Ball, jr.  
 George W. Ball  
 James Rose  
 Bartlett Ball  
 Nathaniel Dodge 2d  
 Nathaniel Ball  
 Perry Clarke  
 Jesse Ball  
 Reuben W. Paine  
 Rathbun Dodge  
 George Rose

*Not qualified.*

Levi Mitchell  
 George E. S. Ely  
 Charles E. Thompson  
 Warren L. Beebe  
 William H. Mitchell  
 Jesse D. Mitchell  
 Asa Ball  
 Henry Ball  
 Nelson Dodge  
 Henry Dodge  
 John T. Dodge  
 Varnum Dodge  
 Simon Sprague  
 John S. Ball  
 Joseph Hull  
 John W. Dodge  
 Jasper L. Dodge  
 John Wright  
 Seneca Sprague  
 John M. Rose  
 Fred. W. Sprague  
 William M. Rose  
 Benjamin Coe  
 Elijah Macomber  
 Gideon Ball  
 John Wright, jr.  
 Elhandar C. Dodge  
 Jasper Latham  
 Amos Dickens  
 Moses R. Dodge

Qualified,	102
Not qualified,	30
Total,	<u>132</u>

No. 132.

## VOTERS IN TIVERTON, NEWPORT COUNTY.

Allen Durfee  
 Oliver Chase, jr.  
 John Grianell 2d  
 Charles Manchester  
 Edward Wilcox  
 Thomas J. Brown  
 Abraham Manchester  
 Joshua B. Rathbun  
 David Hambly  
 Philip Manchester  
 Andrew Williston  
 Isaac H. Borden  
 David Seabury  
 Oliver Hicks  
 Isaac T. Wilcox  
 Job Lake 3d  
 Allen Wilcox  
 John Manchester  
 Edward W. Lake  
 Paul T. Wilcox  
 Oliver Manchester  
 Alfred King  
 Joseph Lake  
 Joseph Hart  
 Charles Wilcox  
 Abraham Borden  
 Isaac S. Williston  
 Abraham Brown  
 Abner Lake  
 Pardon Williston  
 Arlington Wilcox  
 Oliver Wilcox  
 Jabez Manchester  
 Isaac Manchester  
 Arnold Durfee  
 Edward Sherman  
 James Westgate  
 James Bailey  
 Green Fish  
 Perry Lake  
 Lot Sherman  
 Joseph Church, jr.  
 Benjamin Sherman  
 Holder Westgate  
 Wm. C. McCorrie  
 Gardner Hambly  
 John W. Hicks  
 Daniel D. Dwelly

Samuel T. Cook  
 Gilford H. Evans  
 Giles Manchester  
 William Manchester  
 William Sherman  
 William A. Gray  
 Henry A. Brown  
 Isaac Barker  
 Abraham B. Manchester  
 Elias Hicks  
 Philip Lake  
 Jeremiah Manchester  
 Nicholas E. Durfee  
 Nicholas E. Durfee, jr.  
 Asa Gray  
 Benjamin Wilcox  
 Leonard Sauford  
 Nathan B. Earl  
 Gardner S. Dean  
 Stephen Sanford  
 Isaac Borden  
 Thomas C. Johnson  
 George Havens  
 Peter Cook  
 James B. Jones  
 Samuel B. Wilcox  
 Barker Hathaway  
 Dwelly Durfee  
 Ucal Woodman  
 Alexander Borden  
 Joseph Tallman  
 Willard Winter  
 George W. Hopkins  
 Samuel S. Manchester  
 Peleg S. Shaw  
 Arnold Brown  
 William Tompkins  
 John Devoll  
 Daniel H. Davis  
 Hezekiah Monroe  
 William Sanford  
 Southard H. Miller  
 Tillinghast Records  
 Earl B. Anthony  
 Benjamin Manchester  
 Robert Hart  
 James F. Devoll  
 Russell G. Peckham

## TIVERTON—Continued.

Ward C. Copeland  
 Clarke Brown  
 William Wilcox  
 Newell Ambler  
 Theodore Warren  
 Oliver Gray  
 William Woodman  
 George B. Fish  
 Stephen M. Taber  
 Andrew Alamhested  
 Abraham Manchester  
 John Hun  
 Thomas Sanford 2d  
 Gardner S. Anthony  
 John A. Chase  
 David Brownell  
 Leonard Nickerson  
 Seth Borden  
 Jeremiah Wilcox  
 Daniel Wilcox  
 Clarke Whipple  
 Borden Cook  
 Joshua Wilbur  
 Enoch Woodman  
 John Burt  
 Charles Tompkins  
 Perry Chace  
 William G. Borden  
 Ira Clapp  
 Joshua Dwelly  
 Jeremiah B. Pettey  
 Augustus Chace  
 Sylvanus Nickerson  
 Adley Wilcox  
 William B. Trofford  
 Edwin Meeson  
 Nelson Cook  
 Isaac Negus, jr.  
 John Harrison  
 William B. Mowry  
 Israel Coggeshall  
 David Manchester  
 Edward Meeson  
 Theodore Lawton  
 Taber Corey  
 David Gifford  
 Joseph Borden  
 Alexander S. Devoll  
 Cook Tallman  
 Richard Borden

Perry Albert  
 George A. Knapp  
 William H. Harrison  
 Reuben Davoll  
 Willet M. Slocum  
 W. G. Winters  
 Gilbert Tompkins  
 John Brayton  
 Silas S. Manchester  
 Isaac Manchester 2d  
 Jonathan Hart  
 John Grimshaw  
 Charles Snell  
 Benjamin F. Field  
 Joseph C. Winters  
 Richard Sisson  
 Job Crossman  
 Abner Devol  
 David Gifford, jr.  
 Noah Maccomber  
 Samuel Chace  
 Edward B. Davis  
 William Winters  
 Darins Cook  
 Simeon Snell  
 Isaac Brightman  
 Nathan Pettey  
 John W. Borden  
 Richard S. Peckham  
 Benjamin Slocum  
 John B. Wilcox  
 David Rider  
 Ezra Marble  
 Thomas Estes  
 Joseph Church  
 Hiram Atwood  
 Charles P. Dring  
 William Harrison  
 Joseph Brow  
 Joseph Wilcox  
 Asahel W. Coggeshall  
 David Durfee 3d  
 Gideon G. Durfee  
 Benjamin Nickerson  
 Brownell Slocum  
 George W. Fish  
 Peter Estes  
 Gideon Grinnell  
 Job Durfee 2d  
 Cornelius Cook



## TIVERTON—Continued.

David Lake  
 Jeremiah Lake  
 Crofford Snell, jr.  
 Samuel C. McCorrie  
 Goodwin D. Warren  
 Thomas Simmons  
 Abner G. Devoll  
 Peleg Stafford  
 Knowles Negus  
 Job S. Manchester  
 John Dennis  
 John Remington  
 Joseph Tripp  
 Samuel Manchester  
 Joseph Wilcox  
 Lewis Hart  
 Nathan Tripp  
 David Brayton  
 Noah Smith  
 Peleg Hart  
 Joseph Simmons  
 Thomas Durfee  
 Bailey Manchester  
 William Beals  
 Edward Smith  
 Job Andrews  
 Richard Smith  
 Elisha Fish  
 Humphrey Fish  
 Timothy Tripp  
 Leander Sanford  
 Philip Manchester  
 John Boyd, jr.  
 Squire Simmons  
 Stephen Manchester  
 John Simmons  
 John R. Gray  
 Abel Grinnell  
 Benjamin Manchester 2d  
 Rodolphus H. Allen  
 Joseph Cook  
 David Grinnell  
 Knight Springer  
 David Westgate  
 Edward Westgate  
 David Evans  
 Nelson Bennett  
 Wilbur Maccomber

John Manchester 2d  
 Jefferson Watts  
 Joseph Borden, jr.  
 George W. Gould  
 John T. Negus  
 Isaac Negus  
 James Stevens  
 Benjamin Lake  
 Peleg Tolley  
 Albert Chace  
 Wm. B. Gray  
 John Maccomber  
 Peleg Tripp  
 Samuel Cottle  
 George Manchester  
 Joseph Lake  
 Eseck Manchester  
 Bailey Lake  
 Joshua C. Durfee  
 Edson V. Evans  
 Edward Manchester  
 William Fish 2d  
 Ichabod Eddy  
 Thomas Springer 2d  
 Elisha Smith  
 Benjamin Hambly, jr.  
 Aaron Slocum  
 Wm. Wilcox  
 Eason Sherman  
 Godfrey Estes

*Against constitution.*

Robert Seabury  
 Harvey Chace  
 Thomas Borden 3d

Qualified	102
Not qualified	172
	<hr/>
	274
Against	3
	<hr/>
Total	277
	<hr/>

No. 133.

## VOTERS IN LITTLE COMPTON, NEWPORT COUNTY.

*For the constitution.*

Andrew J. Almy  
 Oliver H. Almy  
 Isaac C. Almy  
 Warren Brown  
 E. M. Brownell  
 Abner W. Brownell  
 Thomas P. Clarke  
 Alexander E. Gifford  
 Joseph Weeks  
 William Willard  
 Fobes Hunt  
 Philander Hunt  
 Ellery Hunt  
 Benjamin Hunt  
 Philip Little  
 Albert Manchester  
 Clarke S. Manchester  
 Bradford Pierce  
 Peleg Pierce  
 George W. Snell  
 Isaac Snell  
 Green B. Sisson  
 Nathaniel Tompkins  
 Lindol Tompkins  
 William H. Wilbur  
 Samuel Wilbur  
 Jonathan Wilbur  
 Thomas C. Wilbur  
 James H. Wilbur  
 Simeon Wondley  
 Thomas Wilbur 3d  
 Hezekiah Wilbur  
 John Gray 3d  
 Jonathan Carr  
 John S. Almy  
 Job Seabury  
 Toby Little  
 Lawton Brown  
 Thomas G. Tompkins  
 Henry Burlingame  
 Andrew Gray  
 Abner Gray

Benjamin Clapp  
 Pardon Almy

Qualified,	19
Not qualified,	25
Total,	<u>44</u>

*Against the constitution.*

Loring Gray  
 Samuel S. Burgess  
 Water Grinnell  
 James D. Peckham  
 Ezra Wilbur  
 Thomas Burgess  
 George M. Taylor  
 Henry Wilbur  
 Philip Wilbur  
 Charles Wilbur  
 Elisha Woodworth  
 Edwin Wilbur  
 Owen Wilbur  
 Benjamin T. Wilbur  
 Clarke Gifford  
 Job Manchester  
 James F. Bailey

Qualified,	13
Not qualified,	4
Total,	<u>17</u>
For,	44
Against,	17
Total,	<u>61</u>

## No. 134.

## VOTERS IN BRISTOL, BRISTOL COUNTY.

William H. Allyn  
Samuel Y. Allyn  
Jonathan Alger  
John H. Allyn  
Samuel S. Allen  
George A. Allen  
Rufus D. Arnold  
Alvin C. Aldrich  
Stephen W. Arnold  
Nathan M. Bunn  
Lemuel Bunn  
Robert H. Bullock  
James Baker 2d  
Henry Baker  
Job M. Barras  
Lemuel Bunn, jr.  
Nathan Borden  
John Burgess  
Walter Bradford  
Jeremiah Bosworth  
Allen Bullock  
Simeon Bullock  
Parker Borden  
William Bradford  
James W. Burgess  
William Bullock  
Beriah Y. Browning  
Arnold W. Bush  
James Bourn  
Philip A. Baker  
John W. Bush  
Ebenezer W. Bullock  
Nathaniel Bunn  
Peter F. Bradford  
Martin D. Bonney  
Benjamin Bosworth  
John F. Baars  
Ermin F. Baker  
Jonathan Bosworth  
James C. Beebee  
John Baker  
John Bowler  
William P. Bradford  
Allen J. Bradford  
John Bullock  
William M. Bly  
James P. Brown  
Lorenzo D. Bennett

Martin M. Baker  
David Bullock  
Jonathan Brownell  
Joseph Bullock  
Royal Bosworth  
John Boyd  
George A. Briggs  
Lemuel Cummings  
Jacob Cushman  
George Coggeshall  
George Church  
William J. Clarke  
George B. Chase  
Thomas Cole  
Henry Coggeshall  
David Coit  
Nehemiah Cole  
Joseph Coit  
John Douglass  
George W. Douglass  
Henry Daggett  
Francis M. Dimond  
William F. Dimond  
James Dimond  
William Davis  
John L. Daggett  
William Davis, jr.  
Alexander V. Y. De Wolf  
Henry Dimond  
Charles H. Davis  
Joseph Decoster  
Henry Y. Davis  
William Drown  
Onville Day  
Lewis Day  
Rufus B. Drown  
Jonathan Fales  
Elisha B. Franklin  
William C. Fales  
Benjamin Franklin  
Rufus Fisher  
William B. Phelps  
Joshua Gladding  
Josiah Gooding  
Squire Goff  
Edward Gladding  
James Gladding  
Edward Gladding 2d



## BRISTOL—Continued.

Henry Green  
 Henry W. Gladding  
 John Gladding, jr.  
 Samuel Gladding 2d  
 James M. Goff  
 Benjamin P. Gage  
 James E. Chase  
 Nehemiah Cole, jr.  
 John F. Cook  
 Nathaniel Church  
 David Cole  
 William M. Curtney  
 William M. Card  
 John Chawick  
 James B. Card  
 Sylvanus Coggeshall  
 Nathaniel Cory  
 Stephen Chase  
 Thomas F. Crandall  
 Freeborn Coggeshall  
 Henry Y. Coggeshall  
 Timothy Coggeshall  
 Daniel H. Collins  
 Benjamin W. Doty  
 Elbridge G. Davis  
 Hopetill P. Dimond  
 Robert Dunbar  
 Stephen Douglas  
 Thomas B. Davol  
 Thomas C. Dennis  
 James Dimond, 2d  
 Abel Easterbrooks  
 John Easterbrooks  
 Jonathan Easterbrooks  
 Aaron Easterbrooks  
 Gardner Easterbrooks  
 Benjamin Easterbrooks  
 Cyrus Eddy  
 Lemuel Fales  
 Elisha Franklin  
 Joseph B. Fish  
 Hiram Frisbee  
 George P. Fish  
 Marcus Franklin  
 John Gladding  
 John Gladding, jr.  
 Oliver Gardner  
 Samuel Gladding  
 Samuel L. Gladding  
 Stephen D. Gray

James Grant  
 Sylvester Harding  
 Luther Handy  
 Daniel L. Howland  
 George C. Hatch  
 William Handy  
 Solomon Hatch  
 Abijah Hale  
 James Hoar  
 Henry Hale  
 Frederick Hart  
 Russell Handy  
 Moses M. Hill  
 John Hay  
 Luther Horton  
 Luther Handy  
 Coomer Haile  
 William Handy  
 Barnard Haile  
 Benjamin Harding  
 John Y. Harding 2d  
 Benoni Hawkins  
 Levi Horton  
 William Handy  
 William Hoar  
 Samuel Ingraham  
 Gardner Jones  
 Salathiel Jones  
 William B. Johnson  
 Lorenzo D. Kenny  
 Cassander Kingman  
 Abijah Luce  
 Jonathan Lindsey  
 Abraham Leonard  
 Seth Lincoln  
 Obadiah Luther  
 Isaac Liscomb  
 John V. Lewis  
 George W. Ling  
 Sylvester Luther  
 Pardon Lake  
 Simon D. Liscomb  
 Jeremiah Luther  
 Thomas Lindsey  
 Edward M. Luther  
 William Lawless  
 William Lindsey  
 Woodbury Lindsey  
 George Lawton  
 Godfrey Lake

## BRISTOL—Continued.

Seth Lincoln 2d  
 Nathaniel Lewis  
 Jonathan Lake  
 Benjamin Moot  
 Marmaduke Mason  
 Nathan Monroe  
 Samuel Monroe  
 David Monroe  
 William K. Mason  
 Ezra M. Martin  
 Isaac Manchester  
 John Manchester  
 John Manchester, jr.  
 William Monroe  
 Thomas K. Monroe  
 Benjamin Morris  
 Nathaniel Monroe 1st  
 Hiram B. Monroe  
 Joseph Monroe  
 Benjamin Murphy  
 Nathaniel Mitchel  
 Samuel S. Mott  
 John Mulchahey  
 Abner Meggit  
 Philip A. Manchester  
 George Manchester  
 Henry A. Manchester  
 James Mott  
 George Monroe  
 Nathaniel Manchester  
 George Monroe  
 Jeremiah Manchester  
 Allen K. Monroe  
 Joseph Monroe  
 Henry Monroe  
 Nathan Monroe  
 Isaac H. Matteson  
 Bosworth K. Monroe  
 Jeremiah W. Monroe  
 William Maxfield  
 William Mitchel  
 James Miller  
 William Monroe  
 George H. Martin  
 Henry R. Manchester  
 Benjamin Mann  
 John Monroe  
 Joseph Mason  
 Joseph B. Manchester  
 Nathaniel D. Maxfield

William H. Mann  
 Caleb Monroe  
 Samuel Norris  
 Thomas Norris  
 Joseph Northup  
 Samuel M. Oxx  
 Nathaniel M. Oxx  
 Reuben Oatley  
 Benjamin Pitman  
 William Paul  
 George P. Pierce  
 John A. Pitman  
 Hezekiah Y. Pitman  
 William Pearse, jr.  
 John O. Pearce  
 Walker Pearce  
 John H. Pitman  
 William H. Pierce  
 Joseph Peck  
 James Peckham  
 Benjamin Peckham  
 Angel Pierce  
 William Pierce 3d  
 Nathaniel Peckam  
 John W. Pierce  
 Sanford M. Pierce  
 James D. Pitman  
 Isaac N. Penno  
 John S. Plummer  
 John Pierce  
 Zebedee Paull  
 William Reynolds  
 George H. Reynolds  
 Samuel Reed, jr.  
 Samuel Reed  
 Smith Robinson  
 Joseph Ralph, jr.  
 Jonathan Reynolds  
 Jonathan Reynolds, jr.  
 Daniel D. Reed  
 Joseph Reynolds  
 John C. Rich  
 James Smith  
 Nathaniel P. Swan  
 Josiah Simmons  
 Mark A. D. W. Smith  
 Smith B. Simmons  
 Allen S. Simmons  
 Joseph Springer 2d  
 Thomas Swan

## BRISTOL—Continued.

Charles Spooner  
 Nathan Simmons  
 William Smith  
 William B. Spooner  
 Nathaniel D. Simmons  
 Jonathan Slade  
 Edmund D. Sherman  
 John W. Spooner  
 Isaiah D. Simmons  
 George Stetson  
 Antony Snell  
 Samuel Swan  
 Isaiah Simmons  
 John B. Sweet  
 Joseph Springer  
 William S. Simmons  
 Antony Snell  
 Benjamin S. Tanner  
 Stephen Tolbey  
 Nelson B. Tanner  
 Joseph S. Thompson  
 Daniel Tanner  
 Benjamin Tilley, jr.  
 Thomas Thornton  
 William Thornton  
 Isaiah Vickery  
 George Vaughn  
 Benjamin D. Vickery  
 Gideon Vaughn  
 William Vincent  
 Nathan Warren, jr.  
 Hezekiah Willard  
 Job Williston  
 Job Williston, jr.  
 George Wilson  
 Daniel Wilcox  
 John Wilcox  
 John Waldron  
 Amos T. Whitford

Henry R. Warren  
 Benjamin Wyatt  
 William Waldron  
 Joseph Waldron  
 John West  
 David Waldron  
 Benjamin B. Waldron  
 Benjamin Y. West  
 William Wyatt  
 Benjamin West  
 Edmund Waldren  
 Henry Wanning  
 Amos Wilson  
 Robert Wyatt  
 William Wyatt  
 Nathaniel Waldren 2d  
 Thomas N. White  
 William Wyatt  
 Thomas Wilson  
 Isaac Waldron  
 Joseph Wardwell  
 Henry Waldren  
 Hezekiah C. Wardwell  
 Leonard Williams  
 Nathan Warren  
 Stillman Welch  
 William Waldron  
 Philip Y. Wilson  
 Samuel J. White  
 George White  
 Thomas Wilson, jr.

Qualified	-	-	151
Not qualified	-	-	218
Total	-	-	369

## No. 135.

## VOTERS IN WARREN, BRISTOL COUNTY.

*Qualified.*

Samuel Maxwell  
 William L. Brown  
 Hiram Andrews  
 Nathan Luther

Rufus Hunter  
 George Parker  
 Philip Chase  
 John D. Mason  
 Barnard Miller  
 Nathan Kent, jr.



## WARREN—Continued.

Anthony Mason  
 Nathaniel Adams  
 John Salisbury, jr.  
 Jacob Sanders  
 William B. Snell  
 Ansel Churchill  
 Joseph Adams  
 Zephaniah Mason  
 Hiram Goffe  
 Daniel Salisbury  
 Giles Luther  
 Henry Bartlett  
 Martin E. Borden  
 Ephraim W. Burr  
 Francis Marble  
 James E. Bowen  
 Charles H. Salisbury  
 Henry H. Bowen  
 Joseph V. Tibbetts  
 Edward C. Sparks  
 David E. Luther  
 John S. Allen  
 John Salisbury  
 Luther Cole  
 Henry Coomer  
 Ebenezer Luther  
 George Woodmancey  
 Andrew B. Read  
 Samuel A. Driscoll  
 George Thurber  
 Barney Grant  
 Gardner Mason  
 John Andrews  
 William S. Hunter  
 Abram Greene  
 Alvin Buffington  
 Haile Bowen  
 Collins Thurber  
 Richard S. Waldron  
 Charles P. Bowen  
 John C. Hoar  
 Samuel Wheaton 2d  
 William Martin  
 Samuel Wright, jr.  
 Nathan P. Cole  
 James Mason  
 Frederic Luther  
 Allen Luther  
 Oliver Johnson  
 Lewis B. Pierce

William G. Ingraham  
 Allen C. Hoar  
 John Soles  
 Henry F. Drown  
 Job Miller  
 James Smith  
 William G. Hiscox  
 John Ingraham  
 Samuel S. Child  
 Daniel B. Wheaton  
 Stephen Davol  
 Lewis T. Hoar  
 Henry Sanders  
 John H. Monroe  
 Josiah T. Horton  
 Samuel Mason, jr.  
 Nathan Perry  
 Howland Mason  
 Job A. Mason  
 Miller Barney  
 Jonathan Smith  
 Jonathan R. Simmons  
 Howland Smith  
 James V. Cole  
 Charles A. Andrews  
 Benjamin Parker  
 Job Luther  
 William Bowen  
 Samuel Bowen  
 Gardner Case  
 Samuel Wright  
 Henry Child  
 John D. Tuel  
 George Easterbooks  
 Shearjashub B. Allen  
 Benjamin W. Bosworth  
 George Luther  
 Alfred Cornell  
 Jesse Davis  
 Benjamin Bowen  
 Caleb Bowen  
 Martin Luther  
 Stafford Healey  
 Isaac L. Peck  
 George Presbury  
 Nathan Cary  
 Philip Mosher  
 Benjamin Foster  
 Elisha G. Smith  
 Philip Monroe

WARREN—Continued.

John K. Barney  
 Simon Kinnicutt  
 Caleb A. Carr  
 Jeseoph B. Tanner  
 Charles E. Bennett  
 Edward Sanders  
 George S. Tilley  
 Joseph M. Smith  
 William King  
 William Haile, jr.  
 Alvin Cole  
 Barber Manchester  
 James Smith, jr.  
 Isaac L. Barrows  
 Allen Drown  
 Henry Cole  
 John Cannon  
 Stephen S. Swasey  
 James A. Thornton  
 Henry Burr  
 Benjamin Drown  
 Benjamin T. Cranston  
 Pardon Hiscox  
 Nathan Goffe  
 Billings Salisbury  
 Luther Collamore  
 William H. Bowen

*Not qualified.*

Jotham Waterman  
 Samuel Luther  
 Elbridge G. Leonard  
 Elisha G. Hiscox  
 John S. Monroe  
 James C. Child  
 Charles H. Collamore  
 Edward T. Child  
 James S. Bosworth  
 Allen Cobb  
 Benjamin Albro  
 John N. West  
 Martin King  
 Jonathan B. Barton  
 Palmer Monroe  
 Hezekiah Peck  
 Aaron Phipps  
 George Monroe  
 William L. Hathaway

John K. Slade  
 John Slack  
 James P. Burt  
 Henry W. Child  
 George H. Rounds  
 Robert Cole  
 Henry Cary  
 Thomas C. Collamore  
 William Luther 3d  
 Ambrose Barnaby  
 Jeremiah Driscoll  
 Robert G. Cooley  
 Lawton Kelly  
 John Coomer  
 Seth Simmons  
 William Thurber  
 David E. Clarke  
 David Miller  
 Samuel T. Burt  
 George Butts  
 Edward Sanders  
 Joshua Van Dorn  
 Thomas P. Moore  
 William S. Bosworth  
 David Grey  
 Nathan Burr  
 Joseph H. Luther  
 Benjamin Kelley  
 George S. Brown  
 Thomas Sisson  
 Ebenezer Cole  
 Zachariah T. Thornton  
 Jeremiah C. Luther  
 George P. Woodmancy  
 Caleb Carr, jr.  
 Henry Cole  
 William P. Eddy  
 Barnabas W. Easterbrooks  
 Elisha Cornel  
 Amasa Mason  
 Samuel Place  
 Joseph Salisbury  
 John B. Child  
 Joel Sawtelle  
 William Long  
 Seranus A. Brayton  
 Paul Ware  
 Samuel Wheaton  
 Wheaton Cole

## WARREN—Continued.

Thomas B. Borden	Qualified,	103 for
Luther C. Short	Not qualified,	106 "
John E. Luther		1 against
Daniel H. Luther		
Horace Bean	Total,	<u>210</u>

No. 136.

## VOTERS IN BARRINGTON, BRISTOL COUNTY.

*Qualified.*

Grindall Chase  
 Benjamin B. Medbury  
 Wilmarth Heath  
 Seba Peck  
 John Martin  
 Joseph M. Smith  
 Ira Kent  
 Christopher Smith  
 Benjamin Medbury  
 Elbridge G. Medbury  
 Ebenezer Grant  
 Joseph Bean  
 Nathaniel Smith  
 Asa Peck  
 Nathaniel C. Smith  
 Job Wheaton  
 Enoch Remington  
 Asa Smith  
 Amasa Cook  
 Allen Bowen  
 Henry Smith  
 Amariah Lilley  
 Daniel Drown  
 John Kelley  
 Ira B. Kent  
 Custis Ladue  
 James Maxfield  
 Nathaniel Brown

*Not qualified.*

James Ingraham  
 Charles H. Campbell  
 Simeon Drown  
 Albert Bowen  
 Jonah Miller  
 Samuel Thurber  
 Caleb Cary  
 George W. Adams  
 Ira Allen  
 Martin Brown  
 Paschal Allen 3d  
 Ebenezer Adams  
 Patrick Finley  
 Cyrus S. Morey  
 Calvin B. Thurber  
 Allen M. Brown  
 James H. Seymour  
 Joseph Rawson  
 Samuel Bosworth  
 Alfred Willis  
 Joshua Maxfield  
 Solomon Drown  
 William J. Bowen  
 John Short

Qualified	-	28
Not qualified	-	24
Total	-	<u>52</u>



No. 137.

## CHARTER OF 1643.

GRANTED UNDER THE AUTHORITY OF PARLIAMENT.

The following is the first Charter to the people of Rhode Island, incorporating them "by the name of the *Incorporation of Providence Plantations in the Narragansett Bay in New England*," granted under the authority of the Parliament of England, in 1643, giving them "*full power and authority to govern and rule themselves*," &c.\*

Whereas by an Ordinance of y<sup>e</sup> Lords and Comons now assembled in Parliament bearing date the 2d day of November Anno Dom. 1643. Robert Earle of Warwick is constituted & ordained Governor in Chief & Lord high Admiral of all thos Islands and other Plantations inhabited and planted by or belonging to any of his Majesties y<sup>e</sup> King of England subjects (or w<sup>ch</sup> hereafter may be inhabited and planted by or belonging to them) w<sup>thin</sup> y<sup>e</sup> bounds and upon y<sup>e</sup> Coasts of America, And whereas y<sup>e</sup> said Lords & Comons have thought fitt and thereby ordained, y<sup>t</sup> Phillipp Earle of Pembroke, Edward Earle of Manchester, William Vicont Say and Seale, Phillipp Lord Whorton, John Lord Roberts, members of y<sup>e</sup> house of Peers, Sir Gilbert Garard, barrenet, Sir Arthur Helsrigge, Barrenet, Sir Henry Vaine Junior Knight, Sir Benjamin Rudyerd, Knight, John Pin, Oliver Cromwell, Dennis Bond, Miles Corbett, Cornelius Holland, Sammuell Vassell, John Rolle and William Spurstowe, Esquirese members of y<sup>e</sup> house of Comons, should be Commissioners to joyne in aide & assistance w<sup>th</sup> y<sup>e</sup> said Earle.

And whereas for the better governing & preserving of y<sup>e</sup> said Plantations it is thereby ordained, y<sup>t</sup> the aforesaid Govern<sup>r</sup> and comm<sup>s</sup> or y<sup>e</sup> greater number of them shall have power and authority from time to time, to nominate, appoint, & constitute, all such subordinat Govern<sup>rs</sup> Counsellors, Commanders, officers, and agents, as they shall judge to be best affected, and most fitt and serviceable to govern y<sup>e</sup> said Islands & Plantations, and to provid for, ordere, & dispose all things w<sup>ch</sup> they shall from time to time find most fitt and advantageouse for y<sup>e</sup> said Plantation, and for the better security of y<sup>e</sup> owners & inhabitants thereof to Assine ratify & confirme, soe much of their afore mentioned authority & power, and in such manner, & to such Parsons, as they shall Judge to be fitt, for y<sup>e</sup> better Governing & preserving of y<sup>e</sup> said Plantations & Islands from open violence, prejudice, disturbance and distractions. And whereas their is a tract of Land in y<sup>e</sup> Continent of America aforesaid called by y<sup>e</sup> name of y<sup>e</sup> Naragansett Bay, bordering North and Northest on the Patten of y<sup>e</sup> Massechusetts, East & Southeast on Plymouth Patten, south on y<sup>e</sup> oation, and on y<sup>e</sup> weast and Northwest By Indians called Nahoggnansucks alias Narragansetts; y<sup>e</sup> whole tract extending about twenty and five English miles, into y<sup>e</sup> Peent river and Country, and whereas divers well affected and industrious English Inhabitants of y<sup>e</sup> Townes of Providence, Portsmouth, and Newport, in the tract aforesaid, have adventured to make a nearer neighbourhood & sosity to & w<sup>th</sup> y<sup>e</sup> great body of the Narragansetts w<sup>ch</sup> may in time by y<sup>e</sup> bless-

\* See page 624.

ing of GOD upon their endeavours lay a surer foundation of happiness to all America, & have also purchased, & are purchasing of & amongst y<sup>e</sup> said Natives, some other places w<sup>ch</sup> may be convenient both for plantation, and also for Building of shippes, supply of pipe staves, & other Marchandice; And whereas y<sup>e</sup> said English have represented their desires to y<sup>e</sup> said Earle and Comm<sup>rs</sup> to have their hopeful beginnings approved and confirmed by granting unto y<sup>m</sup> a free charter of civel incorporation and Gouv<sup>r</sup>ment, y<sup>t</sup> they may order and govern their plantations, in such manner as to maintain justice, & peace both amongst themselves and towards almer, w<sup>th</sup> whom they shall have to doe; In due consideration of y<sup>e</sup> Premises y<sup>e</sup> said Robert Earle of Warwick Gover<sup>nr</sup> in Chiefe, Lord High Admirall of y<sup>e</sup> said Plantations, and y<sup>e</sup> greater Number of y<sup>e</sup> said Commissionours, whose names and seales are her under written and subjoyned out of a desire to incourage y<sup>e</sup> good beginnings of y<sup>e</sup> said Plantations, doe by y<sup>e</sup> authority of y<sup>e</sup> aforesaid ordinance of Lords & commons give grant & confirm to y<sup>e</sup> aforesaid Inhabitants of y<sup>e</sup> Towns of Providence, Portsmouth, and Newport, a free and absolute Charter, of civel incorporation, to be known, by y<sup>e</sup> name of the Incorporation of Providence Plantations, in the Narraganset bay in New England, *together w<sup>th</sup> full power and authority, to Govern and rule themselves, and such others as shall hereaftere inhabitt w<sup>thin</sup> any part of y<sup>e</sup> said tract of Land by such a forme of Civel Gover<sup>mt</sup> as by voluntary consent of all or y<sup>e</sup> greatest part of th<sup>m</sup> shall be found most serviceable in their Estates and condition* and to that end, to make and ordain such civel Laws and constitutions and to inflict such Punish<sup>mts</sup> upon transgressors and for execution thereof soe to place & displace, Officers of Justice, as they or y<sup>e</sup> greatest part of y<sup>m</sup> shall by free consent agree unto— Provided nevertheless y<sup>t</sup> y<sup>e</sup> said Laws, Constitutions and Punishments for y<sup>e</sup> civell Gover<sup>mt</sup> of y<sup>e</sup> said Plantation be conformable to y<sup>e</sup> Lawes of England, soe farre as y<sup>e</sup> nature & Constitution of y<sup>e</sup> place will admitt; And always reserving to y<sup>e</sup> said Earle and Comm<sup>rs</sup> and there successors power and authority soe to dispose y<sup>e</sup> General Gover<sup>mt</sup> of y<sup>t</sup> as it stands in refferance to y<sup>e</sup> rest of y<sup>e</sup> Plantations in America, as they shall commissionate from time to time most conducing to y<sup>e</sup> Generall good of y<sup>e</sup> said Plantations, y<sup>e</sup> Honour of his Magisty, & y<sup>e</sup> sarvice of this State, and y<sup>e</sup> said Earll & Comm<sup>rs</sup> doe further authorice y<sup>e</sup> aforesaid Inhabitants, for y<sup>e</sup> better transacting of there Publique affaires to make and use a Publique seale as y<sup>e</sup> knowne seale of Providence Plantations in y<sup>e</sup> Narragansetts Bay in New England, in Testimony whereof y<sup>e</sup> said Robert Earle of Warwick & comm<sup>rs</sup> have hereunto set there hands and seales y<sup>e</sup> seventeenth day of March y<sup>e</sup> nineteenth year of y<sup>e</sup> Raine of our Sovereaine Lord King Charles and in y<sup>e</sup> yeare of our Lord GOD 1643.

ROBERT WARWICK.

Phillip Pembroke, Say & Seale, P. Whartone, Arthur Helsrige, Cor. Holland, Hen. Vane, Sam Vassell, John Rool, Miles Corbet.

## No. 138.

## CROMWELL'S LETTER.

*Letter from Oliver Cromwell to Rhode Island, when Dr. John Clarke was agent of the Colony, in England, dated 29th March, 1655.*

To our trusty and well beloved the President, assistants, and inhabitants of Rhode Island, together with the rest of the Providence Plantations, in the Narragansett bay, in New England.

GENTLEMEN: Your agent here hath represented unto us some particulars concerning your government, which you judge necessary to be settled by us here. But by reason of the other great and weighty affairs of this commonwealth, we have been necessitated to defer the consideration of them to a further opportunity. For the mean time we were willing to let you know, that *you are to proceed in your government according to the tenor of your charter*, formerly granted on that behalf; taking care of the peace and safety of those plantations, that neither through any intestine commotions, or foreign invasions, there do arise any detriment, or dishonor to this commonwealth, *or yourselves, as far as you, by your care and diligence, can prevent.* And as for the things which are before us, they shall, as soon as the other occasions will permit, receive a just and fitting determination. And so we bid you farewell, and rest

Your very loving friend,

OLIVER P.

29 MARCH, 1655.

## No. 139.

*The charter granted by King Charles II.*

Charles, the Second, by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith, &c., to all to whom these presents shall come greeting: Whereas we have been informed by the humble petition of our trusty and well-beloved subject, John Clarke, on the behalf of Benedict Arnold, William Brenton, William Coddington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuel Gorton, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuel Wildbore, William Field, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island, called Rhode Island, and the rest of the colony of Providence Plantations, in the Narragansett Bay, in New England, in America, that they, pursuing, with peaceable and loyal minds, their sober, serious, and religious intentions, of godly edifying themselves, and one another, in the holy christian faith and worship, as they were persuaded; together with the gaining over and conversion of the poor ignorant Indian natives, in those parts of America, to the sincere profession and obedience of the same faith and worship, did, not only by the consent and good encouragement of our royal progenitors, transport themselves out of this kingdom of England into America, but also, since their arrival there, after their first settlement amongst other our sub-



jects in those parts, for the avoiding of discord, and those many evils which were likely to ensue upon some of those our subjects not being able to bear, in these remote parts, their different apprehensions in religious concerns, and in pursuance of the aforesaid ends, did once again leave their desirable stations and habitations, and with excessive labor and travel, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as we are informed, are the most potent princes and people of all that country; where, by the good Providence of God, from whom the Plantations have taken their name, upon their labor and industry, they have not only been preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbors and roads, as are very convenient, both for plantations, and also for building of ships, supply of pipe-staves, and other merchandise: and which lie very commodious, in many respects for commerce, and to accommodate our southern plantations, and may much advance the trade of this our realm, and greatly enlarge the territories thereof; they having, by near neighborhood to and friendly society with the great body of the Narragansett Indians, given them encouragement of their own accord, to subject themselves, their people and lands unto us; whereby, as is hoped, there may, in time, by the blessing of God upon their endeavors, be laid a sure foundation of happiness to all America: and whereas, in their humble address, they have freely declared, that it is much on their hearts (if they may be permitted) to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained, and that among our English subjects, with a full liberty in religious concerns; and that true piety, rightly grounded upon gospel principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: Now know ye, that we, being willing to encourage the hopeful undertaking of our said loyal and loving subjects, and to secure them in the free exercise and enjoyment of all their civil and religious rights, appertaining to them, as our loving subjects; and to preserve unto them that liberty, in the true christian faith and worship of God, which they have sought with so much travel, and with peaceable minds, and loyal subjection to our royal progenitors and ourselves, to enjoy: and because some of the people and inhabitants of the same colony cannot, in their private opinions, conform to the public exercise of religion, according to the liturgy, forms, and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalf; and for that the same, by reason of the remote distances of those places, will, (as we hope) be no breach of the unity and uniformity established in this nation: Have therefore thought fit, and do hereby publish, grant, ordain, and declare, that our royal will and pleasure is, that no person within the said colony, at any time hereafter, shall be anywise molested, punished, disquieted, or called in question, for any differences in opinion in matters of religion, and do not actually disturb the civil peace of our said colony; but that all and every person and persons may, from time to time, and at all times hereafter, freely and fully have and enjoy his and their own judgments and consciences, in matters of religious concerns, throughout the tract of land hereafter mentioned, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury or outward disturbance of others; any law, statute, or clause, therein contained, or to be contained,

usage or custom of this realm, to the contrary hereof, in anywise, notwithstanding. And that they may be in the better capacity to defend themselves, in their just rights and liberties, against all the enemies of the christian faith, and others, in all respects, we have further thought fit, and at the humble petition of the persons aforesaid are graciously pleased to declare, that they shall have and enjoy the benefit of our late act of indemnity and free pardon, as the rest of our subjects in other our dominions and territories have; and to create and make them a body politic or corporate, with the powers and privileges hereinafter mentioned. And accordingly our will and pleasure is, and of our especial grace, certain knowledge, and mere motion, we have ordained, constituted, and declared, and by these presents, for us, our heirs, and successors, do ordain, constitute, and declare, that they, the said William Brenton, William Coddington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weeks, Roger Williams, Thomas Olney, Gregory Dexter, John Coggeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Field, Thomas Harris, James Barker, ——— Rainsborrow, ——— Williams, and John Nickson, and all such others as now are, or hereafter shall be, admitted and made free of the company and society of our colony of Providence Plantations, in the Narragansett Bay, in New England, shall be, from time to time, and forever hereafter, a body corporate and politic, in fact and name, by the name of The Governor and Company of the English Colony of Rhode Island and Providence Plantations, in New England, in America; and that, by the same name, they and their successors shall and may have perpetual succession, and shall and may be persons able and capable, in the law, to sue and be sued, to plead and be impleaded, to answer and be answered unto, to defend and to be defended, in all and singular suits, causes, quarrels, matters, actions, and things, of what kind or nature soever; and also to have, take, possess, acquire, and purchase lands, tenements, or hereditaments, or any goods or chattels, and the same to lease, grant, demise, aliene, bargain, sell, and dispose of, at their own will and pleasure, as other our liege people, of this our realm of England, or any corporation or body politic within the same, may lawfully do. And further, that they the said Governor and Company, and their successors, shall and may, forever hereafter, have a common seal, to serve and use for all matters, causes, things, and affairs, whatsoever, of them and their successors; and the same seal to alter, change, break, and make new, from time to time, at their will and pleasure, as they shall think fit. And further, we will and ordain, and by these presents, for us, our heirs and successors, do declare and appoint that, for the better ordering and managing of the affairs and business of the said company, and their successors, there shall be one Governor, one deputy Governor, and ten Assistants, to be from time to time constituted, elected, and chosen out of the freemen of the said Company for the time being, in such manner and form as is hereafter in these presents expressed; which said officers shall apply themselves to take care for the best disposing and ordering of the general business and affairs of and concerning the lands and hereditaments hereinafter mentioned to be granted, and the plantation thereof, and the government of the people there. And, for the better execution of our royal pleasure herein, we do, for us, our heirs and successors, assign, name, constitute, and appoint the aforesaid Benedict Arnold to be the first and present Governor of the said Company, and the said William Brenton to be the deputy Governor, and the said Wil-



liam Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, to be the ten present Assistants of the said Company, to continue in the said several offices, respectively, until the first Wednesday which shall be in the month of May now next coming. And further, we will, and by these presents, for us, our heirs, and successors, do ordain and grant that the Governor of the said Company, for the time being, or, in his absence, by occasion of sickness, or otherwise, by his leave and permission, the deputy Governor, for the time being, shall and may, from time to time, upon all occasions, give order for the assembling of the said Company and calling them together, to consult and advise of the business and affairs of the said Company. And that forever hereafter, twice in every year—that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener in case it shall be requisite, the Assistants and such of the freemen of the said Company, not exceeding six persons for Newport, four persons for each of the respective towns of Providence, Portsmouth, and Warwick, and two persons for each other place, town, or city, who shall be, from time to time, thereunto elected or deputed by the major part of the freemen of the respective towns or places for which they shall be so elected or deputed, shall have a general meeting or assembly, then and there to consult, advise, and determine in and about the affairs and business of the said Company and Plantations. And further, we do, of our especial grace, certain knowledge, and mere motion, give and grant unto the said Governor and Company of the English colony of Rhode Island and Providence Plantations in New England, in America, and their successors, that the Governor, or, in his absence, or by his permission, the deputy Governor of the said Company, for the time being, the Assistants, and such of the freemen of the said Company as shall be so as aforesaid elected or deputed, or so many of them as shall be present at such meeting or assembly as aforesaid, shall be called the General Assembly; and that they, or the greatest part of them present, whereof the Governor, or deputy Governor, and six of the assistants, at least to be seven, shall have, and have hereby given and granted unto them, full power and authority, from time to time, and at all times hereafter, to appoint, alter, and change such days, times, and places of meeting and General Assembly as they shall think fit; *and to choose, nominate, and appoint such and so many other persons as they shall think fit, and shall be willing to accept the same, to be free of the said Company and body politic, and them into the same to admit; and to elect and constitute such offices and officers, and to grant such needful commissions as they shall think fit and requisite for the ordering, managing, and despatching of the affairs of the said Governor and Company and their successors; and, from time to time, to make, ordain, constitute, or repeal such laws, statutes, orders and ordinances, forms and ceremonies of government and magistracy, as to them shall seem meet, for the good and welfare of the said Company, and for the government and ordering of the lands and hereditaments hereinafter mentioned to be granted, and of the people that do, or at any time hereafter shall, inhabit or be within the same; so as such laws, ordinances, and constitutions so made be not contrary and repugnant unto, but as near as may be, agreeable to the laws of this our realm of England, considering the nature and constitution of the place and people there, and also to appoint, order and direct, erect and settle, such places and courts of jurisdiction, for the hearing and determining of*



all actions, cases, matters, and things happening within the said colony and plantation, and which shall be in dispute and depending there, as they shall think fit; and also to distinguish and set forth the several names and titles, duties, powers, and limits of each court, office, and officer, superior and inferior; and also to contrive and appoint such forms of oaths and attestations, not repugnant, but, as near as may be, agreeable, as aforesaid, to the laws and statutes of this our realm, as are convenient and requisite, with respect to the due administration of justice and due execution and discharge of all offices and places of trust by the persons that shall be therein concerned; and also to regulate and order the way and manner of all elections to offices and places of trust, and to prescribe, limit, and distinguish the numbers and bounds of all places, towns, or cities, within the limits and bounds hereinafter mentioned, and not herein particularly named, who have, or shall have, the power of electing and sending of freemen to the said General Assembly; and also to order, direct, and authorize the imposing of lawful and reasonable fines, mullets, imprisonments, and executing other punishments, pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations within this our kingdom of England; and again to alter, revoke, annul, or pardon, under their common seal, or otherwise, such fines, mullets, imprisonments, sentences, judgments, and condemnations, as shall be thought fit; and to direct, rule, order, and dispose of all other matters and things, and particularly that which relates to the making of purchases of the native Indians, as to them shall seem meet; whereby our said people and inhabitants in the said Plantations may be so religiously, peaceably, and civilly governed, as that, by their good life and orderly conversation, they may win and invite the native Indians of the country to the knowledge and obedience of the only true God and Saviour of mankind; willing, commanding, and requiring, and by these presents, for us, our heirs, and successors, ordaining and appointing that all such laws, statutes, orders, and ordinances, instructions, impositions, and directions, as shall be so made by the Governor, deputy Governor, Assistants, and freemen, or such number of them as aforesaid, and published in writing, under their common seal, shall be carefully and duly observed, kept, performed, and put in execution, according to the true intent and meaning of the same. And these our letters patent, or the duplicate or exemplification thereof, shall be to all and every such officer, superior or inferior, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions, and directions, in due execution, against us, our heirs and successors, a sufficient warrant and discharge. And further, our will and pleasure is, and we do hereby, for us, our heirs, and successors, establish and ordain, that yearly, once in the year, forever, hereafter, namely, the aforesaid Wednesday in May, and at the town of Newport, or elsewhere, if urgent occasion do require, the Governor, Deputy Governor, and Assistants of the said company, and other officers of the said company, or such of them as the General Assembly shall think fit, shall be, in the said General Court or Assembly to be held from that day or time, newly chosen for the year ensuing, by such greater part of the said Company, for the time being, as shall be then and there present; and if it shall happen that the present Governor, Deputy Governor, and Assistants, by these presents appointed, or any such as shall hereafter be newly chosen into their rooms, or any of them, or any other the officers of the said Company, shall die or be removed from his or their several offices or places, before the said general day of election, (whom we

do hereby declare, for any misdemeanor or default, to be removable by the Governor, Assistants, and Company, or such greater part of them, in any of the said public courts, to be assembled as aforesaid,) that then, and in every such case, it shall, and may be lawful to and for the said Governor, Deputy Governor, Assistants, and Company aforesaid, or such greater part of them, so to be assembled as is aforesaid, in any their assemblies, to proceed to a new election of one or more of their Company, in the room or place, rooms or places, of such officer or officers, so dying removed, according to their discretions; and immediately upon and after such election or elections made of such Governor, Deputy Governor, Assistant, or Assistants, or any other officer of the said Company, in manner and form aforesaid, the authority, office and power, before given to the former Governor, Deputy Governor, and other officer and officers, so removed, in whose stead and place new shall be chosen, shall, as to him and them, and every of them, respectively, cease and determine: *Provided always*, and our will and pleasure is, that as well such as are by these presents appointed to be the present Governor, Deputy Governor, and Assistants, of the said Company, as those that shall succeed them, and all other officers to be appointed and chosen as aforesaid, shall, before the undertaking the execution of the said offices and places respectively, give their solemn engagement, by oath, or otherwise, for the due and faithful performance of their duties in their several offices and places, before such person or persons as are by these presents hereafter appointed to take and receive the same, that is to say: the said Benedict Arnold, who is hereinbefore nominated and appointed the present Governor of the said Company, shall give the aforesaid engagement before William Brenton, or any two of the said Assistants of the said Company; unto whom we do by these presents give full power and authority to require and receive the same; and the said William Brenton, who is hereby before nominated and appointed the present Deputy Governor of the said Company, shall give the aforesaid engagement before the said Benedict Arnold, or any two of the Assistants of the said Company; unto whom we do by these presents give full power and authority to require and receive the same; and the said William Boulston, John Porter, Roger Williams, Thomas Olney, John Smith, John Greene, John Coggeshall, James Barker, William Field, and Joseph Clarke, who are hereinbefore nominated and appointed the present Assistants of the said Company, shall give the said engagement to their offices and places respectively belonging, before the said Benedict Arnold and William Brenton, or one of them; to whom respectively we do hereby give full power and authority to require, administer, or receive the same: and further, our will and pleasure is, that all and every other future Governor or Deputy Governor, to be elected and chosen by virtue of these presents, shall give the said engagement before two or more of the said Assistants of the said Company for the time being; unto whom we do by these presents give full power and authority to require, administer, or receive the same; and the said Assistants, and every of them, and all and every other officer or officers to be hereafter elected and chosen by virtue of these presents, from time to time, shall give the like engagements, to their offices and places respectively belonging, before the Governor or Deputy Governor for the time being; unto which said Governor, or Deputy Governor, we do by these presents give full power and authority to require, administer, or receive the same accordingly. And we do likewise, for us, our heirs, and successors, give and grant unto the said Governor and Company, and their successors,



by these presents; that, for the more peaceable and orderly government of the said Plantations, it shall and may be lawful for the Governor, Deputy Governor, Assistants, and all other officers and ministers of the said Company, in the administration of justice, and exercise of government, in the said Plantations, to use, exercise, and put in execution, such methods, rules, orders, and directions, not being contrary or repugnant to the laws and statutes of this our realm, as have been heretofore given, used and accustomed, in such cases, respectively, to be put in practice, until at the next, or some other General Assembly, special provision shall be made and ordained in the cases aforesaid. And we do further, for us, our heirs, and successors, give and grant unto the said Governor and Company, and their successors, by these presents, that it shall and may be lawful to and for the said Governor, or in his absence, the Deputy Governor, and major part of the said Assistants for the time being, at any time when the said General Assembly is not sitting, to nominate, appoint, and constitute such and so many commanders, governors, and military officers as to them shall seem requisite for the leading, conducting, and training up the inhabitants of the said Plantations in martial affairs, and for the defence and safeguard of the said Plantations; and that it shall and may be lawful to and for all and every such commander, governor, and military officer, that shall be so as aforesaid, or by the Governor, or, in his absence, the Deputy Governor, and six of the said Assistants, and major part of the freemen of the said Company present at any General Assemblies, nominated, appointed, and constituted according to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, martial array, and put in warlike posture, the inhabitants of the said colony, for their special defence and safety; and to lead and conduct the said inhabitants, and to encounter, expulse, expel, and resist, by force of arms, as well by sea as by land, and also to kill, slay, and destroy, by all fitting ways, enterprises, and means whatsoever, all and every such person or persons as shall, at any time hereafter, attempt or enterprise the destruction, invasion, detriment, or annoyance of the said inhabitants or Plantations; and to use and exercise the law martial in such cases only as occasion shall necessarily require; and to take or surprise, by all ways and means whatsoever, all and every such person and persons, with their ship or ships, armor, ammunition, or other goods of such persons as shall, in hostile manner, invade or attempt the defeating of the said plantation, or the hurt of the said company and inhabitants; and, upon just causes, to invade and destroy the native Indians, or other enemies of the said colony. Nevertheless, our will and pleasure is, and we do hereby declare to the rest of our colonies in New England, that it shall not be lawful for this our said colony of Rhode Island and Providence Plantations, in America, in New England, to invade the natives inhabiting within the bounds and limits of their said colonies, without the knowledge and consent of the said other colonies. And it is hereby declared, that it shall not be lawful to or for the rest of the colonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds and limits hereafter mentioned, (they having subjected themselves unto us, and being by us taken into our special protection,) without the knowledge and consent of the Governor and Company of our colony of Rhode Island and Providence Plantations. Also our will and pleasure is, and we do hereby declare unto all christian kings, princes, and states, that if any person, which shall hereafter be of the said Company or



Plantation, or any other, by appointment of the said Governor and Company for the time being, shall at any time or times hereafter, rob or spoil, by sea or land, or do any hurt or unlawful hostility to any of the subjects of us, our heirs or successors, or any of the subjects of any prince or state, being then in league with us, our heirs or successors, upon complaint of such injury done to any such prince or state, or their subjects, we, our heirs and successors, will make open proclamation within any parts of our realm of England, fit for that purpose, that the person or persons committing any such robbery or spoil shall, within the time limited by such proclamation, make full restitution or satisfaction of all such injuries done or committed, so as the said prince, or others so complaining, may be fully satisfied and contented; and if the said person or persons who shall commit any such robbery or spoil, shall not make satisfaction, accordingly, within such time, so to be limited, that then we, our heirs and successors, will put such person or persons out of our allegiance and protection; and that then it shall and may be lawful and free for all princes or others to prosecute, with hostility, such offenders, and every of them, their and every of their procurers, aiders, abettors, and counsellors, in that behalf: *Provided, also*, and our express will and pleasure is, and we do, by these presents, for us, our heirs and successors, ordain and appoint, that these presents shall not, in any manner, hinder any of our loving subjects, whatsoever, from using and exercising the trade of fishing upon the coast of New England, in America; but that they, and every or any of them, shall have full and free power and liberty to continue and use the trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the seas, or salt water, rivers and creeks, where they have been accustomed to fish; and to build and set upon the waste land belonging to the said colony and plantations, such wharves, stages and work-houses, as shall be necessary for the salting, drying and keeping of their fish, to be taken or gotten upon that coast. And further, for the encouragement of the inhabitants of our said colony of Providence Plantations to set upon the business of taking whales, it shall be lawful for them, or any of them, having struck whale, dubertus, or other great fish, it or them to pursue unto any part of that coast, and into any bay, river, cove, creek, or shore, belonging thereto, and it or them, upon the said coast, or in the said bay, river, cove, creek or shore, belonging thereto, to kill and order for the best advantage, without molestation, they making no wilful waste or spoil; anything in these presents contained, or any other matter or thing, to the contrary notwithstanding. And further also, we are graciously pleased, and do hereby declare, that if any of the inhabitants of our said colony do set upon the planting of vineyards, (the soil and climate both seeming naturally to concur to the production of wines,) or be industrious in the discovery of fishing banks, in or about the said colony, we will, from time to time, give and allow all due and fitting encouragement therein, as to others in cases of like nature. And further, of our more ample grace, certain knowledge and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Governor and Company of the English colony of Rhode Island and Providence Plantations, in the Narragansett Bay, in New England, in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person or persons as are or shall be free of the said colony, full power and authority, from time to time, and at all times hereafter, to take, ship, transport, and carry away, out of any of

our realms and dominions, for and towards the plantation and defence of the said colony, such and so many of our loving subjects and strangers as shall or will willingly accompany them in and to their said colony and plantation; except such person or persons as are or shall be therein restrained by us, our heirs and successors, or any law or statute of this realm; and also to ship and transport all and all manner of goods, chattels, merchandises, and other things whatsoever, that are or shall be useful or necessary for the said plantations, and defence thereof, and usually transported, and not prohibited by any law or statute of this our realm; yielding and paying unto us, our heirs and successors, such the duties, customs and subsidies, as are or ought to be paid or payable for the same. And further, our will and pleasure is, and we do, for us, our heirs and successors, ordain, declare, and grant, unto the said Governor and Company, and their successors, that all and every the subjects of us, our heirs and successors, which are already planted and settled within our said colony of Providence Plantations, or which shall hereafter go to inhabit within the said colony, and all and every of their children, which have been born there, or which shall happen hereafter to be born there, or on the sea, going thither, or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any the dominions of us, our heirs or successors, to all intents, constructions and purposes, whatsoever, as if they, and every of them, were born within the realm of England. And further, know ye, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and, by these presents, for us, our heirs and successors, do give, grant and confirm, unto the said Governor and Company, and their successors, all that part of our dominions in New England, in America, containing the Nahantick and Nanhyganset, alias Narragansett Bay, and countries and parts adjacent, bounded on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcawtuck river, and so along the said river, as the greater or middle stream thereof reacheth or lies up into the north country, northward, unto the head thereof, and from thence, by a straight line drawn due north, until it meets with the south line of the Massachusetts colony; and on the north, or northerly, by the aforesaid south or southerly line of the Massachusetts colony or plantation, and extending towards the east, or eastwardly, three English miles to the east and northeast of the most eastern and northeastern parts of the aforesaid Narragansett Bay, as the said bay lieth or extendeth itself from the ocean on the south, or southwardly, unto the mouth of the river which runneth toward the town of Providence, and from thence along the eastwardly side or bank of the said river (higher called by the name of Seacunck river) up to the falls called Patuckett falls, being the most westwardly line of Plymouth colony, and so from the said falls, in a straight line, due north, until it meet with the aforesaid line of the Massachusetts colony, and bounded on the south by the ocean; and, in particular, the lands belonging to the towns of Providence, Pawtuxet, Warwick, Misquammacock, alias Pawcatuck, and the rest upon the main land in the tract aforesaid, together with Rhode Island, Block Island, and all the rest of the islands and banks in the Narragansett bay, and bordering upon the coast of the tract aforesaid. (Fisher's Island only excepted,) together with all firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines royal, and all other mines, minerals, precious stones, quarries, woods, wood grounds, rocks, slates, and all and singular other commodities,



jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands, and islands aforesaid or to them or any of them belonging, or in any wise appertaining: *To have and to hold* the same unto the said Governor and Company and their successors forever, upon trust, for the use and benefit of themselves and their associates, freemen of the said colony, their heirs and assigns, to be holden of us, our heirs and successors, as of the manor of East Greenwich, in our county of Kent, in free and common soccage, and not *in capite*, nor by knight service; yielding and paying therefor to us, our heirs and successors, only the fifth part of all the ore of gold and silver which, from time to time, and at all times hereafter, shall be there gotten, had, or obtained, in lieu and satisfaction of all services, duties, fines, forfeitures, made or to be made, claims and demands whatsoever, to be to us, our heirs or successors, therefor or thereout rendered, made, or paid; any grant, or clause in a late grant, to the Governor and Company of Connecticut Colony, in America, to the contrary thereof in any wise notwithstanding. The aforesaid Pawcatuck river having been yielded, after much debate, for the fixed and certain bounds between these our said colonies, by the agents thereof, who have also agreed that the said Pawcatuck rivershall be also called alias Norrogansett or Narrogansett river; and, to prevent future disputes, that otherwise might arise thereby, forever hereafter shall be construed, deemed, and taken to be the Narrogansett river in our late grant to Connecticut colony mentioned as the easterly bounds of that colony. And further, our will and pleasure is, that, in all matters of public controversy, which may fall out between our colony of Providence Plantations and the rest of our colonies in New England, it shall and may be lawful to and for the Governor and Company of the said colony of Providence Plantations, to make their appeals therein to us, our heirs and successors, for redress in such cases, within this our realm of England; and that it shall be lawful to and for the inhabitants of the said colony of Providence Plantations, without let or molestation, to pass and repass, with freedom, into and through the rest of the English colonies, upon their lawful and civil occasions, and to converse and hold commerce and trade with such of the inhabitants of our other English colonies as shall be willing to admit them thereunto, they behaving themselves peaceably among them; any act, clause, or sentence, in any of the said colonies provided, or that shall be provided, to the contrary in any wise notwithstanding. And lastly, we do for us, our heirs, and successors, ordain and grant unto the said Governor and Company, and their successors, by these presents, that these our letters patent shall be firm, good, effectual, and available in all things in the law, to all intents, constructions, and purposes whatsoever, according to our true intent and meaning hereinbefore declared; and shall be construed, reputed, and adjudged in all cases most favorably on the behalf, and for the best benefit and behoof, of the said Governor and Company, and their successors; although express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors, heretofore made to the said Governor and Company of the English colony of Rhode Island and Providence Plantations, in the Narragansett Bay, New England, in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation, or restriction, heretofore had, made, enacted, ordained, or provided, or any other matter, cause, or thing whatsoever, to the contrary thereof in any wise notwithstanding.



In witness whereof, we have caused these our letters to be made patent. Witness ourself at Westminster, the eighth day of July, in the fifteenth year of our reign.

By the King :

HOWARD.

No. 140.

*Declaration by the General Assembly, relating to suffrage, in the year 1664.*

At a meeting of the General Assembly, at Newport, May 4, 1664, the General Assembly, among other things, declared liberty of conscience agreeably to the charter, and provided a form of engagement to be taken by all persons acting in any public office, and then follows this declaration :

"It is also the pleasure and appointment of this General Assembly, that none presume to vote in the matters aforesaid, but such whom this General Assembly expressly, by their writing, shall admit as freemen."

No. 141.

*Declaration in relation to the qualification of voters by the General Assembly, in 1665.*

At a meeting of the General Assembly, at Newport, May 3, 1665, the King's commissioners proposed certain things to the Assembly under five heads, the second of which was as follows :

"2. That all men of *Competent estates* and of Civil Conversation who acknowledge \* \* \* \* are obedient to the Civil Magistrate, though of differing judgments, may be admitt \* \* \* *be Freemen*, and have liberty to choose and to be chosen officers both Civil and \* \* \*."

[The ancient record is now in part illegible, as appears from the blanks in the above.]

In reply to this, the General Assembly, at the same session, declared as follows :

And further, this Assembly in a due sense of his Majesty's gracious favor unto this Colony, in the second of those five above written proposals—Do order, enact, and declare, that so many of them that take the aforesaid Engagement, and are of *Competent Estates*, Civil conversation, and Obedient to the Civil Magistrate, shall be admitted freemen of this colony, upon their express desire therein declared to the General Assembly, either by themselves, *with sufficient testimony of their fitness and qualifications as shall by the Assembly be deemed satisfactory*, or if by the Chief Officer of the Towne or Townes where they live they be proposed and declared as aforesaid ; and that *none shall have admission to vote for public officers or deputies*, or enjoy any privilege of freemen till *admitted by the Assembly as aforesaid, and their names recorded in the General Records of this Colony.*"

Thus did the people of Rhode Island early guard that most sacred privilege in a free State, the right of admitting strangers to the exercise of political power ; and thus did they claim the exercise of this right under the charter, as belonging to themselves, through their representatives, acting in the General Assembly.

But now we are told that all men have a right to thrust themselves into the body politic, however alien by birth, and to seize for themselves the right of suffrage by the right of revolution !

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No. 142.

*Order of the General Assembly respecting persons voting who are not freemen, in 1667.*

At the General Assembly held at Newport, the 1st of May, 1667, it was ordered and voted as follows:

"It is ordered by the present Assembly, that whosoever shall attempt to vote for the election of Governor, Deputy Governor, or any other magistrate, or other officers that is to be chosen upon the day of election, *not being a freeman of this Colony*, he shall forfeit five pounds, or otherwise fined or punished as the General Assembly shall see meet."

"Voted, that no person shall be admitted into the freedom of this corporation upon the day of election."

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No. 143.

*Act of General Assembly regulating elections, and prescribing the proxy mode of voting in 1663.*

The first printed Digest of the Laws of Rhode Island and Providence Plantations was in 1730, and contains the laws from 1663 to 1730, which were then in force, with the dates of their several enactments.

The following is taken from the first and second pages of this Digest :

*"Laws made and passed by the General Assembly of his Majesty's colony of Rhode Island and Providence Plantations, begun and held at Newport, the first day of March, 1663."\**

"AN ACT regulating the election of general officers."

*"Be it enacted by the General Assembly of this Colony, and by the authority of the same it is hereby enacted, That all persons whatsoever, that are inhabitants within this colony, and admitted freemen of the same, shall and may have liberty to vote for the Electing of all the General officers in this colony, either in person or by proxy, upon the first Wednesday of May annually, as is expressed in the Charter of the Colony.*

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\* This was old style ; it was in the year 1664, new style. This was the first session of the General Assembly under the charter of 1663.

*"And be it further enacted by the Authority aforesaid, That on the first Wednesday of May annually, there shall be chosen and elected, one General Recorder, who shall be Secretary of the Colony, one Sheriff, who shall have the care and custody of his Majesty's Gaol, in Newport, one General Attorney, and one General Treasurer, for the better regulating and managing the affairs of the Government; and shall be chosen in manner as aforesaid."*

*"And that each and every person that shall vote by proxy, shall on the Town Meeting day next preceding the General Election, openly in said meeting, deliver in his votes to the Town Clerk of the Town wherein he dwells, with his name written at length on the backside or the bottom thereof; which votes so taken shall be immediately sealed up by the town Clerk, and by him delivered either to an Assistant, Justice, Warden, or Deputy of said town, who shall be by the said Town Meeting appointed for the same; by him to be delivered to the Governor or Deputy Governor in open Court, before the Election proceed."*

*"And be it further enacted by the Authority aforesaid, That all General officers shall take the following engagement, before they act in their respective offices."*

*"You A B are by the free Vote of the Freemen of this Colony of Rhode Island and Providence Plantations, Elected to the place of \_\_\_\_\_ in this said Colony, and do solemnly Engage true Allegiance unto his Majesty, his Heirs and successors to bear, and in your said office equal justice to do, unto all persons, Poor and Rich within this jurisdiction, to the utmost of your skill and ability, without Partiality, according to the Laws established or that shall be established according to the Charter of this Colony, as well in matters Military as Civil. And this engagement you make and give upon the peril of the Penalty of Perjury."*

*"The reciprocal engagement."*

*"I do, in the name and behalf of this colony, re-engage to stand by you, and to support you by all due assistance and encouragement in the performance and execution of your aforesaid office, according to your engagement."*

*"And be it further enacted by the authority aforesaid, That no person shall be elected to the place of a deputy to sit in the General Assembly of this colony, but those that are freeholders therein, and freemen of the same; and that each respective town in this colony shall choose and elect their number of deputies as stated in the charter, at their respective town meetings next preceding such court of assembly for the which they shall be elected. And that the town clerk of each respective town shall grant forth his warrant to the town sergeant or constable of said town, to warn such deputies as shall from time to time be chosen in each respective town, to attend the assemblies for which they are chosen; and also the town clerk shall make return of such deputy chosen as aforesaid to the general recorder for the time being, on the first opening of the Assembly, who is hereby appointed clerk of the same."*

The three next sections relate to the calling the General Assembly by the governor or deputy governor on "*emergent occasions*," the pay of the deputies, and fines for their neglect to attend the Assembly; and this act closes with the following :



"And be it further enacted by the authority aforesaid, That every person that shall be elected to the place of a deputy, shall take the following engagement before he shall act therein :

"You, A. B., being chosen to the place of deputy to sit in the General Assembly, do solemnly engage true allegiance to his Majesty ———, his heirs and successors to bear, as also *fidelity to this his Majesty's colony of Rhode Island and Providence Plantations, and the authority therein established according to our charter*; and you do further engage equal right and justice to do to all persons as shall appeal unto you for your judgment in their respective cases. And this engagement you make and give upon the peril of the penalty of perjury."

By "general officers," in this act, are intended the governor, deputy governor and assistants, (afterwards called senators) mentioned in the charter, and the general recorder or secretary, sheriff, attorney general, and general treasurer created by this act. These general officers were voted for by the freemen of the colony in person, at an assembly of the freemen at Newport on the day fixed by the charter for the general election, viz: the first Wednesday of May annually. As it might be inconvenient for all the freemen to assemble at that time and place, this act provides a mode by which they might vote by proxy. Afterwards, all votes were given in this way, and sealed up in town meeting, and sent to the General Assembly, by them to be counted on the said election day; and this continued until the adoption of the constitution in 1842, and still continues in relation to the governor, lieutenant governor, secretary, attorney general, and general treasurer. From this practice of voting, as it was called, by proxy, instead of in person, on the election day at Newport, the ticket containing the names of the general officers has been called "the prox" of general officers, which word "prox" has puzzled some lexicographers out of Rhode Island.

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#### No. 144.

#### *An act of 1666, regulating the admission of freemen.*

At the session of the General Assembly of Rhode Island, &c., in May, 1666, was passed an act, entitled

"AN ACT establishing the election of town officers in each respective town in the colony."

The third section of this act thus provides :

"And be it further enacted by the authority aforesaid, That the freemen of each respective town, on their respective town meeting days, as shall be by them appointed, shall, and they hereby have full power granted them to admit so many persons, inhabitants of their respective towns, freemen of their towns as shall be by them adjudged deserving thereof; and that the town clerk of each town shall once every year send a roll or list of all freemen so admitted in their respective towns to the General Assembly, to be held for this colony at Newport, the day before the general election; and also such persons that shall be so returned and admitted freemen of the colony, shall be enrolled in the colony's book by the general recorder."—  
Digest 1730, page 16.

## No. 145.

*An act fixing the freehold qualification of voters, passed in 1723.*

At a session of the General Assembly held at Newport the third Tuesday of February, 1723, was passed the following act :

"AN ACT for directing the admitting freemen in the several towns of this colony."

"*Be it enacted by the General Assembly of this colony, and by the authority of the same it is enacted,* That from and after the publication of this act, no person whatsoever shall be admitted a freeman of any town in this colony, unless the person admitted be a freeholder of lands, tenements, or hereditaments in such town where he shall be admitted free, of the value of one hundred pounds, or to the value of forty shillings per annum, or the eldest son of such a freeholder ; any act, custom, or usage to the contrary hereof, notwithstanding."—Digest of 1730, page 131.

## No. 146.

*An act relating to the same subject, passed in 1729.*

At a session of the General Assembly held at Newport the last Tuesday of February, 1729, was passed the following act :

"AN ACT directing the admitting of freemen in the several towns in this colony."

"*Be it enacted by the General Assembly of this colony, and by the authority of the same it is enacted,* That no person whatsoever shall be admitted a freeman of any town in this colony, unless the person admitted be a freeholder of lands, tenements, or hereditaments in such town where he shall be admitted free, to the value of two hundred pounds, or ten pounds per annum, or the eldest son of such a freeholder. And if it be made appear that any such freedom has been obtained through any fraudulent means or contrivance, such freedom shall and is hereby made void : any law, custom, or usage, to the contrary hereof, in any wise notwithstanding."—Digest of 1730, page 209.

## No. 147.

*An act relating to the same subject, passed in 1742.*

At a session of the General Assembly held at East Greenwich on the 22d day of November, A. D. 1742, was passed the following act :

"AN ACT for the better regulation of the freemen voting either at the general election or any town meeting in this colony."

"Whereas by the royal charter granted to this colony by his late gracious Majesty King Charles the Second, the governor and company are directed and empowered to admit all persons free of the said company as shall desire the same and are of suitable conversations, and have competent estates : in pursuance whereof, there hath heretofore a law been made in this colony, whereby it is enacted that no person shall be admitted a freeman therein, except he be a freeholder of lands and tenements lying in said

colony, of the value of two hundred pounds, or ten pounds per annum : Yet, notwithstanding said law, it evidently appears that many persons have, by frauds and other indirect means, procured themselves to be made free of this colony, who are really not possessed of such estate as by the above said act is required ; and also many persons who have been heretofore possessed of such estates as qualified them to be freemen according to the above said law, have afterwards disposed of such their estates, and yet continue to act as freemen in this colony ; from which many very ill consequences have already arisen to the colony, and many more will ensue if not timely prevented :

*“ For remedy whereof,*

*“ Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted, That from and after the publication of this act, no person whatever in this colony shall be admitted to vote or act as a freeman in any town meeting in this colony, or at the general election, but such only who at the time of such their voting or acting as freemen, are really and truly possessed of lands, tenements, or hereditaments lying in this colony, of the full value of two hundred pounds, or ten pounds per annum, being their own freehold estate, or the eldest son of such a freeholder.”*

This act contains two more sections—one requiring a person offering to vote, who is suspected of not being qualified as required in the first section, to “ declare on oath or engagement that he is really and *bona fide* qualified for a voter,” as required in said act, before his vote shall be received ; the other section making it penal for the moderator to receive the vote of a person challenged, without his taking such oath or engagement.—Digest of 1744-’45, page 252.

In the preamble to the last-mentioned act, it will be seen, by comparing it with the charter, that a wrong impression may be conveyed. The charter says nothing about “suitable conversations or competent estates,” but this, or similar, is the language of the General Assembly in one of the resolutions in 1665, in answer to the King’s commissioners. The charter authorizes the General Assembly, without any qualification, “to choose, nominate, and appoint, such and so many other persons *as they shall think fit*, and shall be willing to accept the same, to be free of the said company and body politic, and them into the same to admit.”

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#### No. 148.

*An act relating to the same subject, passed in 1746.*

At the session of the General Assembly at Newport on the third Tuesday in August, A. D. 1746, was passed the following act :

“ AN ACT directing the manner of admitting freemen, and for preventing bribery and corruption in the election of public officers in this colony.”

“ Whereas the manner of admitting freemen in this colony is so lax, and their qualifications as to their estates so very low, that many persons are



admitted who are possessed with little or no property ; and it being greatly to be feared that bribery and corruption hath (by the encouragement of evil-minded persons, and by reason of such necessitous persons being admitted freemen) spread itself in this government, to the great scandal thereof, so that the election of public officers hath been greatly influenced thereby ; and as the law already made hath been found altogether ineffectual to prevent the same :

*"Be it therefore enacted by the General Assembly, and by the authority of the same, That from and after the publication of this act, no person whatsoever shall be admitted to vote or act as a freeman in any town meeting in this colony, or at the general election, but such only who, at the time of such their voting or acting as freemen, are really and truly possessed of lands, tenements, or hereditaments, within this colony, to the full value of four hundred pounds, or which shall rent for twenty pounds per annum, being their own free estate, or the eldest son of such a freeholder. And that no person whatsoever shall hereafter be admitted free of any town in this colony without being possessed of a freehold to the value above said, or the eldest son of such a freeholder. And before they are admitted, they shall be proposed to the town meeting of such town at least three months before such their admission. And in case any dispute shall arise, in respect to the value of such freehold, the same shall be determined by two persons, to be annually chosen by the town meetings of such respective town, and to be under oath for that purpose."*—Digest of 1752, page 12.

The residue of this act, consisting of several sections, contains various provisions for preventing frauds and bribery and corruption in elections.

In the Digest of 1767, page 78, is an act entitled "An act regulating the manner of admitting freemen, and directing the method of electing officers in this colony."

This act has, in its margin, the dates of 1760, 1761, 1762, and contains similar provisions, as to the admission of freemen, as the laws already quoted ; but the value of the freehold required for such admission and for voting, instead of four hundred pounds, or the yearly value of twenty pounds, as by the act of 1746, is by this act changed "to the full value of forty pounds, or which shall rent for forty shillings per annum."

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#### No. 149.

*Legislation in relation to suffrage ; and acts of 1798 and 1822, relating to same.*

We have shown, by the acts of the General Assembly, what have been the fundamental laws of Rhode Island in relation to the right of suffrage, enacted by the representatives of the people, with a perfect freedom, under the charter, to legislate upon this subject as they pleased, from 1663 to 1767 ; always requiring the person to be admitted a freeman and a voter, to possess "a competent estate," of which the General Assembly were the judges, as they admitted the freemen by their own vote, originally, to the freedom of the colony. After a short time, the General Assembly gave power to the towns to admit persons to the freedom of the town, but still

reserved to themselves the right of admitting persons to the freedom of the colony.

In 1723-'24 we have seen a freehold of £160 value was required, and that various laws were enacted from this time to 1767, which changed the nominal value of the freehold from £400 to £40—owing (as has been supposed, and most probably is the fact) to the difference between the real and the nominal value of the currency from time to time.

The law of 1767 remained substantially the law of Rhode Island on this subject until 1798. In 1798, the General Assembly reviewed all their laws, (as they have been in the habit of doing every twenty or thirty years,) and published the Digest of 1798. In this Digest is "*An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.*"

The two first sections of this act are as follows :

"SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That the freemen of each respective town in this State, at any of their town meetings, shall, and they hereby have, full power granted them to admit so many persons, inhabitants of their respective towns, freemen of their towns, as shall be qualified according to this act.

"SEC. 2. *And be it further enacted,* That no person whosoever shall be permitted to vote or act as a freeman in any town meeting in this State, but such only who are inhabitants therein, and who, at the time of such their voting and acting, are really and truly possessed, in their own proper right, of a real estate within this State, to the full value of one hundred and thirty-four dollars, or which shall rent for seven dollars per annum—being an estate in fee simple, fee-tail, or an estate in reversion which qualifies no other person to be a freeman, or at least an estate for a person's own life, or the eldest son of such a freeholder ; and that no estate of a less quality shall entitle any person to the freedom of this State."

At their January session, A. D. 1822, the General Assembly again revised their laws ; and in that year was published the Digest of 1822. This Digest contains "*An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.*" (Pages 89 to 98.)

The 1st and 2d sections of this act are substantially the same as the above-quoted sections from the act of 1798 ; and such have been the requirements of the laws of Rhode Island to entitle a person to the right of suffrage, until the constitution which was regularly adopted by the people in 1842.

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### No. 150.

#### *Act of 1824, calling a convention to frame a written constitution.*

AN ACT to authorize the holding a convention for the purpose of forming a written constitution of government for this State.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That the freemen of the several towns within this State, qualified to vote for general officers therein, be, and they hereby are requested, at the annual town meetings in April next, to choose so many delegates (and of like qualifications) as they are now respectively entitled to

choose representatives in the General Assembly, to attend a convention for the purpose of framing a written constitution of government for this State.

SEC. 2. *And be it further enacted,* That the delegates thus chosen shall meet in convention at Newport, on the twenty-first day of June next, for the purpose aforesaid; that a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members returned, and establish such rules and regulations for their government as they may think necessary: provided, however, that any town which may neglect to elect its legal number of delegates at the said town meetings in April, may elect such delegates at any time previous to the meeting of said convention: provided, also, that said convention shall have power to adjourn from day to day, until a quorum may be formed, and until they shall have completed the object of their appointment.

SEC. 3. *And be it further enacted,* That after said convention shall have framed such a constitution of government as they may think proper, the same shall be submitted to the freemen for their ratification in town meeting to be called or holden at such time as shall be directed by said convention; that the secretary of said convention shall, immediately after the dissolution thereof, return to the Secretary of this State a true and attested copy of such constitution, signed by the president and secretary of said convention; that the Secretary of this State shall thereupon forthwith prepare and distribute to the several town clerks, in due proportion, five hundred printed copies thereof, and also eight thousand ballots, on the face of which shall be printed as follows, viz: "Do you ratify the constitution framed by the delegates met in convention at Newport, on the twenty-first day of June, A. D. 1824?" and on the back thereof—"Yes" or "No."

SEC. 4. *And be it further enacted,* That at the town meetings to be called or holden as aforesaid, every freeman voting therein shall write his name on the back of such ballot, which ballots shall be by the several town clerks sealed up in open town meeting, and, together with a copy of the list of the names of the persons who voted, shall be returned to the General Assembly at its session next after the freemen have so voted thereon. And the said General Assembly shall examine and count the same, as votes for general officers are received and counted; and if, upon such examination, it shall appear that three-fifths of the ballots thus returned are in favor of the ratification of such constitution, the same shall thereby be ratified and established accordingly, and the said constitution shall go into operation and effect at such time and in such manner as said convention shall prescribe.

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#### No. 151.

#### *Act of 1834, calling a convention to frame a constitution.*

AN ACT to provide for holding a convention for the purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That on the first Monday of September next, a convention shall be holden at Providence, for the purpose of amending the present, or proposing a new constitution for this State.



SEC. 2. *And be it further enacted*, That the freemen of the several towns within this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at the semi-annual town or ward meetings in August next, so many delegates, and of like qualifications as they are now respectively entitled to choose representatives to the General Assembly, to attend said convention.

SEC. 3. *And be it further enacted*, That a majority of the whole number of delegates which all the towns are entitled to choose, shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members, and establish such rules of proceeding as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in August, may elect them at any time previous to the meeting of the said convention.

SEC. 4. *And be it further enacted*, That the constitution or amendments agreed upon by said convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the president and secretary, and returned to the Secretary of State, who shall forthwith distribute to the several town or city clerks, in due proportion, one thousand printed copies thereof, and also fifteen thousand ballots, on one side of which shall be printed "Amendments (or constitution) adopted by the convention held at Providence on the first Monday of September last;" and on the other side, the word *approve* on one half of said ballots, and the word *reject* on the other half.

SEC. 5. *And be it further enacted*, That at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot, and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly at its next succeeding session. And said General Assembly shall cause said ballots to be examined and counted. And said amendments or constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

SEC. 6. *And be it further enacted*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president; and that the members thereof shall have no claim on the treasury of the State for pay for their attendance thereon.

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No. 152.

*Resolution of January, 1841, for same purpose.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
In General Assembly, January session, A. D. 1841.

*Resolved by the General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the several towns in this State, and of the city of Providence, qualified to vote for general officers, be, and they are hereby, requested to choose, at their semi-annual town or ward meetings in August next, so many delegates, and of like

qualifications, as they are now respectively entitled to choose representatives to the General Assembly, to attend a convention to be holden at Providence on the first Monday of November, 1841, to frame a new constitution for this State, either in whole or in part, with full powers for this purpose; and if only for a constitution in part, that said convention have under their especial consideration the expediency of equalizing the representation of the towns in the House of Representatives.

*Resolved*, That a majority of the whole number of delegates which all the towns are entitled to choose shall constitute a quorum, who may elect a president and secretary, judge of the qualifications of the members, and establish such rules and proceedings as they may think necessary; and any town or city which may omit to elect its delegates at the said meetings in August, may elect them at any time previous to the meeting of said convention.

*Resolved*, That the constitution or amendments agreed upon by such convention shall be submitted to the freemen in open town or ward meetings, to be holden at such time as may be named by said convention. The said constitution or amendments shall be certified by the president and secretary, and returned to the Secretary of State, who shall forthwith distribute to the several town and city clerks, in due proportion, one thousand printed copies thereof, and also fifteen thousand ballots, on one side of which shall be printed "Amendments (or constitution) adopted by the convention holden at Providence on the first Monday of November last;" and on the other side, the word *approve* on one half of the said ballots, and the word *reject* on the other half.

*Resolved*, That, at the town or ward meetings to be holden as aforesaid, every freeman voting shall have his name written on the back of his ballot; and the ballots shall be sealed up in open town or ward meeting by the clerks, and, with lists of the names of the voters, shall be returned to the General Assembly at its next succeeding session; and said General Assembly shall cause said ballots to be examined and counted; and said amendments, or constitution, being approved of by a majority of the freemen voting, shall go into operation and effect at such time as may be appointed by said convention.

*Resolved*, That a sum not exceeding three hundred dollars be appropriated for defraying the expenses of said convention, to be paid according to the order of said convention, certified by its president.

True copy:—Witness,

HENRY BOWEN, *Secretary*.

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No. 153.

*Resolution of June, 1841, relating to same subject.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
In General Assembly, May session, A. D. 1841.

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the delegates from the several towns to the State convention, to be holden in November next, for the purpose of framing a State constitution, be elected on the basis of population,

in the following manner, to wit : every town of not more than 850 inhabitants may elect one delegate ; of more than 850 and not more than 3,000 inhabitants, two delegates ; of more than 3,000 and not more than 6,000 inhabitants, three delegates ; of more than 6,000 and not more than 10,000 inhabitants, four delegates ; of more than 10,000 and not more than 15,000 inhabitants, five delegates ; of more than 15,000 inhabitants, six delegates.

*Resolved*, That the delegates attending said convention be entitled to receive from the general treasury the same pay as members of the General Assembly.

*Resolved*, That so much of the resolutions to which these are in amendment, as is inconsistent herewith, be repealed.

True copy :—Witness,

HENRY BOWEN, *Secretary*.

No. 154.

*Resolution of January, 1842, relating to same subject.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

*Resolved by this General Assembly*, (the Senate concurring with the House of Representatives therein,) That the freemen of the towns in this State, in whose delegation to the convention called to frame a constitution vacancies have occurred since the meeting of that convention, or may hereafter occur, be requested to elect delegates to fill those vacancies at town and ward meetings to be holden before or during the session of said convention ; notice of such meetings to be given at least one day previous to the holding thereof.

True copy :—Witness,

HENRY BOWEN, *Secretary*.

No. 155.

*Act in amendment of the act regulating the admission of freemen.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

AN ACT in amendment of an act entitled " An act revising the act entitled ' An act regulating the manner of admitting freemen, and directing the method of electing officers in this State.' "

Whereas the good people of this State having elected delegates to a convention to form a constitution, which constitution, if ratified by the people, will be the supreme law of the State : therefore,

*Be it enacted by the General Assembly, as follows :*

All persons now qualified to vote, and those who may be qualified to vote under the existing laws previous to the time of such their voting, and all persons who shall be qualified to vote under the provisions of such constitution, shall be qualified to vote upon the question of the adoption of said constitution.

True copy :—Witness,

HENRY BOWEN, *Secretary*.



## No. 156.

*Resolutions of the General Assembly relating to the people's constitution..*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, A. D. 1842.*

Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore,

*It is hereby resolved by this General Assembly,* That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

*Resolved,* That the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

*Resolved,* That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

True copy :—Witness,

HENRY BOWEN, *Secretary.*

## No. 157.

Act of June, 1842, calling a convention to frame a constitution, (published in the case of Martin Luther—see Appendix No. 94.)

## No. 158.

*Resolution of the convention, asking for a declaratory act.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In Convention at Newport, September 29, 1842.*

Whereas, from the manifest impracticability of ascertaining the precise number of persons that might have a right to vote on the adoption of any constitution to be submitted for adoption under the provisions of the act calling this convention, it is inferrible that it is the true intent of said act that none but those actually voting should be counted: and whereas there is an ambiguity in said act in this particular: Therefore,

*Resolved,* That the General Assembly be requested to pass such declaratory law as may be deemed necessary for the plainer expression of the intent and meaning of the act aforesaid.

Read and adopted.

THOMAS A. JENCKES, *Secretary.*

*Act of October, 1842, declaratory of the act of June, 1842, and providing that a majority of those voting shall adopt the constitution.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, October session, A. D. 1842.*

AN ACT to amend "An act to provide for calling a convention of the people of this State for the purpose of forming a new constitution or form of government for the people thereof," passed at the June session, A. D. 1842.

Whereas the convention which assembled at Newport on the second Monday of September last, in pursuance of the provisions of the act aforesaid, have requested this General Assembly to declare the true intent and construction of a portion of the fourth section of said act: Therefore,

*Be it enacted by the General Assembly as follows:*

If the constitution or articles that may be framed and submitted to the people under the provisions of said act, be adopted by a majority of the persons having a right to vote, and actually voting, upon the question of adopting the same, the said constitution or articles shall become the supreme law of the State; and shall go into operation at such time or times, and in such manner, as shall be appointed by said convention.

True copy:—Witness,

HENRY BOWEN, *Secretary.*

*Organization under the constitution of 1842.*

The following account of the organization of the government under the constitution of 1842, and the dissolution of the government under the charter, is taken from the appendix to the address delivered by William G. Goddard, esq., in presence of the General Assembly, May 3, 1843, in commemoration thereof:

"The General Assembly, under the charter, convened at the State-house in Newport on Monday, May 1, 1843, agreeably to a vote of adjournment passed at the session in January. A quorum of both houses being present, the session was opened at 3 o'clock, p. m., by prayer by the Rev. Francis Vinton, rector of Trinity church, Newport. The two houses, in grand committee, then adopted the following resolution:

"*Resolved*, That Messrs. Lawton, Fenner, Potter, Harris, and Bosworth, of the Senate, and Messrs. Cranston, Branch, Updike, Remington, and Hall, of the House, be a committee to be present at and witness the organization of the government under the constitution adopted by the people of this State in November last; and that said committee make report to this General Assembly as soon as said organization shall be completed, in conformity to the provisions of said constitution, in order that this General Assembly may know when its functions shall have constitutionally passed into the hands of those who have been legally chosen by the people to receive and exercise the same."

The grand committee then adjourned till 5 o'clock the next day, Tuesday, May 2, 1843.

The General Assembly, under the constitution adopted by the people in November, A. D. 1842, convened at the State-house in Newport on the first Tuesday of May, 1843, agreeably to the provisions of that instrument, at 11 o'clock, a. m.

The members of the new Senate and House assembled in separate chambers, for the purpose of organizing the government. His excellency Samuel Ward King, the last Governor under the charter of 1663, presided in the organization of the new Senate; and the senior member from the town of Newport, (the Hon. Henry Y. Cranston,) and the clerks of the old House, acted as officers of the new House until it was organized.

In the Senate, thirty-one Senators (the whole number) were found to be present. After receiving their certificates of election, the Secretary of State (the Hon. Henry Bowen) administered the oath prescribed by the constitution.

In the House, after the observance of the customary formalities, the Secretary of State administered the oath to the members, a large majority of whom were found to be present. Hon. Alfred Bosworth was then elected Speaker for the year ensuing, and Thomas A. Jenckes and Joseph S. Pitman clerks for the year ensuing.

His excellency the Governor and the honorable Senate then joined the House in grand committee, for the purpose of receiving the votes for general officers, and of appointing a committee to count the same.

The session of the General Assembly was then opened by prayer by the Rev. Francis Vinton.

After receiving the ballots from the Secretary of State, the grand committee appointed a committee to count them, consisting of one Senator and three Representatives from each county. To this committee were then added the Secretary of State and the clerks of the House.

The grand committee then adjourned till 5 o'clock in the afternoon of the same day.

The grand committee met at 5 o'clock: his excellency Governor King in the chair.

The committee appointed to count the votes for general officers, made report as follows:

Whole number of votes for Governor	-	-	-	16,520
For James Fenner	-	-	9,107	
Thomas F. Carpenter	-	-	7,392	
Scattering	-	-	21	
Majority for Fenner	-	-	1,694	
Whole number of votes for Lieutenant Governor	-	-	-	16,612
For Byron Diman	-	-	9,212	
Benjamin B. Thurston	-	-	7,398	
Scattering	-	-	2	
Majority for Diman	-	-	1,812	
Whole number of votes for Secretary of State	-	-	-	16,594
For Henry Bowen	-	-	9,212	
Dexter Randall	-	-	7,378	
Scattering	-	-	4	
Majority for Bowen	-	-	1,830	



Whole number of votes for Attorney General	-	-	-	16,591
For Joseph M. Blake	-	-	9,217	
Samuel Y. Atwell	-	-	7,372	
Scattering	-	-	2	
Majority for Blake	-	-		1,843
Whole number of votes for General Treasurer	-	-	-	16,598
For Stephen Cahoon	-	-	9,215	
Josiah S. Munro	-	-	7,383	
Majority for Cahoon	-	-		1,832

"The foregoing report being read and accepted, it was thereupon *Resolved*, That the said James Fenner be declared elected Governor; Byron Diman, Lieutenant Governor; Henry Bowen, Secretary of State; Joseph M. Blake, Attorney General; and Stephen Cahoon, General Treasurer; who were severally engaged according to the provisions of the constitution." Governor King, who, during the ceremony, was seated in the identical oaken chair in which, one hundred and eighty years ago, Governor Arnold received the charter, immediately resigned his seat to his successor; while the speaker of the House called out as usual, "Sheriff, clear the way; sergeant, make proclamation that his excellency James Fenner is elected Governor, Captain General, and Commander-in chief of the State of Rhode Island and Providence Plantations for the year ensuing." The crowd gave way, and the town sergeant of the town of Newport made the customary proclamation of the election of governor to the people, from the balcony of the State house. After proclaiming the other general officers, in a similar manner, the sergeant added, according to the pious formality observed by our ancestors: "God save the State of Rhode Island and Providence Plantations." The roar of artillery and the shouts of the people followed the proclamation made by the sergeant.

The two houses then separated.

The following joint resolution passed both houses on the same day :

"*Resolved by this General Assembly*, That Messrs. Cranston and Chase, of Newport; Ames and Branch, of Providence; Hazard and Barber, of Washington; Whipple and Brayton, of Kent; Hall and Cole, of Bristol; with the Senators from Providence, Little Compton, Westerly, Warwick, and Warren,—be a committee to wait upon the General Assembly under the charter here legally convened, and announce to said General Assembly, in grand committee assembled, that the government under the charter is duly organized."

The House then adjourned till 10 o'clock, a. m., the next day; and the Senate till 3 o'clock, p. m., the next day.

After the adjournment (on Tuesday) of the General Assembly under the constitution, the General Assembly under the charter convened in grand committee: Governor King in the chair.

The committee appointed by the General Assembly under the constitution, appeared, and made report through their chairman, the senator from Providence, that the government under the new constitution was legally organized.

The committee appointed by the grand committee on Monday, to witness the organization of the new government, made the following report :

*To the honorable General Assembly of the State of Rhode Island, &c., now assembled at Newport, under the charter of this State.*

The subscribers, appointed by this honorable body a committee to be present at the organization of the new General Assembly under the constitution recently adopted by the people of this State, respectfully report : That they have attended to the duty assigned to them ; that the Senate and House of Representatives, under the constitution, have been duly organized, according to the provisions of said constitution, and the act passed at the last January session of the General Assembly, regulating their organization ; and that, therefore, according to the provisions of said constitution, the power of the government, as organized under the charter, has ceased.

EDWARD W. LAWTON,  
ELISHA HARRIS,  
ELISHA R. POTTER,  
HEZEKIAH BOSWORTH,  
HENRY Y. CRANSTON,  
WILKINS UPDIKE,  
BENJAMIN HALL,  
BENJAMIN F. REMINGTON.  
STEPHEN BRANCH.

NEWPORT, *Tuesday, May 2, 1843.*

Whereupon, the following resolution was adopted :

IN GENERAL ASSEMBLY,  
*Tuesday, May 2d, 1843.*

*Resolved,* That the foregoing report be accepted, and that this General Assembly be, and the same is hereby, declared to be dissolved.

With the passage of this resolution, the last General Assembly under the old charter ceased to exist.

No. 160 a.

*Report of the committee appointed to count the votes given on the adoption of the existing constitution of Rhode Island.*

*In grand committee:* The report of the committee for counting the votes on the constitution was read and accepted, as follows :

The committee appointed to count the votes on the adoption of the constitution proposed by the convention holden in Newport on the second Monday of September, 1842, respectfully report :

That the whole number of electors voting is (7,091) seven thousand and ninety-one ; of whom (6,777) six thousand seven hundred and seventy-seven voted to adopt, (171) one hundred and seventy one voted to approve, and (59) fifty nine voted to reject. They further report, that said constitution is adopted by a majority of (7,032) seven thousand and thirty-two votes.

The committee further report, that the whole number of electors voting on the question following, submitted to them by said convention, viz: "In case the constitution framed by the convention assembled at Newport, in September, 1842, be adopted, shall the blank in the first line of section second of article second, of said constitution, be filled by the word 'white,' " is (5,829) five thousand eight hundred and twenty-nine; of whom (1,798) seventeen hundred and ninety-eight voted in the affirmative, and (4,031) four thousand and thirty-one voted in the negative. They therefore report, that the majority against filling said blank with the word "white" is (2,233) two thousand two hundred and thirty-three.

In the aggregate number of votes, those of 82 colored persons are included who voted to *adopt*, and of two colored persons who voted to *approve*.

HENRY Y. CRANSTON, *for the Committee.*

Grand Committee then rose.

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No. 161.

*Message from the President of the United States, in answer to a resolution of the House of Representatives relative to the employment of United States troops in Rhode Island, and transmitting documents in relation to the recent difficulties in that State.*

*To the House of Representatives :*

In compliance with a resolution of the House of Representatives, of the 23d of March last, requesting the President to lay before the House "the authority and the true copies of all requests and applications upon which he deemed it his duty to interfere with the naval and military forces of the United States, on the occasion of the recent attempt of the people of Rhode Island to establish a free constitution in the place of the old charter government of that State; also, copies of the instructions to, and statements of, the charter commissioners sent to him by the then existing authorities of the State of Rhode Island; also, copies of the correspondence between the Executive of the United States and the charter government of the State of Rhode Island, and all the papers and documents connected with the same; also, copies of the correspondence, if any, between the heads of departments and said charter government, or any person or persons connected with the said government, and of any accompanying papers and documents; also, copies of all orders issued by the Executive of the United States, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island; also, copies of all orders to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; also, copies of all orders to the officers of revenue cutters for the same service; also, copies of any instructions borne by the Secretary of War to Rhode Island, on his visit in 1842, to review the troops of the charter government; also, copies of any order or orders to any officer or officers of the army or navy to report themselves to the charter government; and that he be requested to lay before this House copies of any other papers or documents in the possession of the Executive connected with this subject,



"not above specifically enumerated,"—I have to inform the House that the Executive did not deem it his "duty to interfere with the naval and military forces of the United States," in the late disturbances in Rhode Island; that no orders were issued by the Executive, or any of the departments, to military officers, for the movement or employment of troops to or in Rhode Island, other than those which accompany this message, and which contemplated the strengthening of the garrison at Fort Adams, which, considering the extent of the agitation in Rhode Island, was esteemed necessary and judicious; that no orders were issued to naval officers to prepare steam or other vessels of the United States for service in the waters of Rhode Island; that no orders were issued "to the officers of the revenue-cutters for said service;" that no instructions were borne by "the Secretary of War to Rhode Island, on his visit in 1842 to review the troops of the charter government;" that no orders were given to any officer or officers of the army or navy to report themselves to the *charter* government. That "requests and applications" were made to the Executive to fulfil the guarantees of the constitution, which impose on the Federal Government the obligation to protect and defend each State of the Union against "domestic violence and foreign invasion;" but the Executive was at no time convinced that the *casus fœderis* had arisen which required the interposition of the military or naval power in the controversy which unhappily existed between the people of Rhode Island. I was in no manner prevented from so interfering by the inquiry whether Rhode Island existed as an independent State of the Union under a charter granted at an early period by the Crown of Great Britain or not. It was enough for the Executive to know that she was recognised as a sovereign State by Great Britain, by the treaty of 1783; that, at a later day, she had, in common with her sister States, poured out her blood and freely expended her treasure in the war of the Revolution; that she was a party to the articles of confederation; that, at an after period, she adopted the constitution of the United States as a free, independent, and republican State, and that in this character she has always possessed her full quota of representation in the Senate and House of Representatives; and that, up to a recent day, she has conducted all her domestic affairs, and fulfilled all her obligations as a member of the Union, in peace and war, under her *charter government*, as it is denominated by the resolution of the House of the 23d of March. I must be permitted to disclaim, entirely and unqualifiedly, the right on the part of the Executive to make any real or supposed defects existing in any State constitution, or form of government, the pretext for a failure to enforce the laws or the guarantees of the constitution of the United States in reference to any such State. I utterly repudiate the idea, in terms as emphatic as I can employ, that those laws are not to be enforced, or those guarantees complied with, because *the President* may believe that the right of suffrage, or any other great popular right, is either too restricted or too broadly enlarged. I also, with equal strength, resist the idea that it falls within the Executive competency to decide, in controversies of the nature of that which existed in Rhode Island, on which side is the majority of the people, or as to the extent of the rights of a mere numerical majority. For the Executive to assume such a power, would be to assume a power of the most dangerous character. Under such assumptions, the States of this Union would have no security for peace or tranquility, but might be converted into the mere instruments of Executive will. Actuated by selfish purposes, he might become

the great agitator, fomenting assaults upon the State constitutions, and declaring the majority of to day to be the minority of to morrow ; and the minority, in its turn, the majority, before whose decrees the established order of things in the State should be subverted. Revolution, civil commotion, and bloodshed would be the inevitable consequences. The provision in the constitution, intended for the security of the States, would thus be turned into the instrument of their destruction ; the President would become in fact the great CONSTITUTION-MAKER for the States, and all power would be vested in his hands.

When, therefore, the Governor of Rhode Island, by his letter of the 4th of April, 1842, made a requisition upon the Executive for aid to put down the late disturbances, I had no hesitation in recognising the obligations of the Executive to furnish such aid, upon the occurrence of the contingency provided for by the constitution and laws. My letter of the 11th of April, in reply to the Governor's letter of the 4th, is herewith communicated, together with all correspondence which passed at a subsequent day, and the letters and documents mentioned in the schedule hereunto annexed. From the correspondence between the Executive of the United States and that of Rhode Island, it will not escape observation, that, while I regarded it as my duty to announce the principles by which I should govern myself in the contingency of an armed interposition on the part of this Government being necessary to uphold the rights of the State of Rhode Island, and to preserve its domestic peace, yet that the strong hope was indulged, and expressed, that all the difficulties would disappear before an enlightened policy of conciliation and compromise. In that spirit, I addressed to Governor King the letter of the 9th of May, 1842, marked "private and confidential," and received his reply of the 12th of May of the same year. The desire of the Executive was, from the beginning, to bring the dispute to a termination, without the interposition of the military power of the United States ; and it will continue to be a subject of self congratulation that this leading object of policy was finally accomplished. The Executive resisted all entreaties, however urgent, to depart from this line of conduct. Information from private sources had led the Executive to conclude that little else was designed by Mr. Dorr and his adherents than mere menace, with a view to intimidation ; nor was this opinion in any degree shaken until the 22d of June, 1842, when it was strongly represented from reliable sources, as will be seen by reference to the documents herewith communicated, that preparations were making by Mr. Dorr, with a large force in arms, to invade the State ; which force had been recruited in the neighboring States, and had been already preceded by the collection of military stores, in considerable quantities, at one or two points. This was a state of things to which the Executive could not be indifferent. Mr. Dorr speedily afterwards took up his headquarters at Chepachet, and assumed the command of what was reported to be a large force, drawn chiefly from voluntary enlistments made in neighboring States. The Executive could with difficulty bring itself to realize the fact, that the citizens of other States should have forgotten their duty to themselves, and the constitution of the United States, and have entered into the highly reprehensible and indefensible course of interfering so far in the concerns of a sister State as to have entered into plans of invasion, conquest, and revolution. But the Executive felt it to be its duty to look minutely into the matter ; and, therefore, the Secretary of War was despatched to Rhode Island, with instructions, a copy of which is herewith transmitted ; and was authorized, should a requisition be made upon the



Executive by the Government of Rhode Island in pursuance of law, and the invaders should not abandon their purposes, to call upon the Governors of Massachusetts and Connecticut for a sufficient number of militia at once to arrest the invasion, and to interpose such of the regular troops as could be spared from Fort Adams for the defence of the city of Providence, in the event of its being attacked, as was strongly represented to be in contemplation. Happily, there was no necessity for either issuing the proclamation or the requisition, or for removing the troops from Fort Adams, where they had been properly stationed. Chepachet was evacuated, and Mr. Dorr's troops dispersed, without the necessity of the interposition of any military force by this Government; thus confirming me in my early impressions, that nothing more had been designed, from the first, by those associated with Mr. Dorr, than to excite fear and apprehension, and thereby to obtain concessions from the constituted authorities, which might be claimed as a triumph over the existing government.

With the dispersion of Mr. Dorr's troops ended all difficulties. A convention was shortly afterwards called, by due course of law, to amend the fundamental law; and a new constitution, based on more liberal principles than that abrogated, was proposed and adopted by the people. Thus the great American experiment of a change in government, under the influence of opinion, and not of force, has been again crowned with success; and the State and people of Rhode Island repose in safety under institutions of their own adoption, untrifled by any future prospect of necessary change, and secure against domestic violence and invasion from abroad. I congratulate the country upon so happy a termination of a condition of things which seemed, at one time, seriously to threaten the public peace. It may justly be regarded as worthy of the age and of the country in which we live.

JOHN TYLER.

WASHINGTON, D. C., April 9, 1844.

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No. 162.

*Affidavit of Samuel Currey as to proceedings and arming of suffragemen, February 5, 1842.*

I, Samuel Currey, of the city of Providence, in the State of Rhode Island, &c., attorney at law, on oath do testify and say: That I have just had a conversation with Franklin Cooley, of this city, concerning our political difficulties which threaten the peace of this State and the lives of its citizens, in which conversation the said Cooley informed me most distinctly that a messenger or individual had this day gone to Boston, Massachusetts, to procure two thousand stand of arms; that this supply of arms was for the use of those who were about to enforce the people's constitution against the authority, civil and military, of the existing state of government. The said Mr. Cooley is well known to me as a prominent character among those who have formed and who adhere to the so-called people's constitution; and there is no doubt in my mind but he spoke from good authority when he gave me the aforesaid information. Another gentleman of the same party with Mr. Cooley mentioned the same fact to me within five minutes after I received it from Mr. Cooley. I have no reason to doubt the correctness of the said statements, but rather to confide in the truth of them. Mr. Cooley, in the same conversation, stated it to me, as his undoubted belief, that the



party which he had been acting with would immediately desist from all violent proceedings, if required so to do by proclamation of the President of the United States; and referring to the deputation about to set out from and on behalf of this State, to lay the present difficulties before the General Government, expressed a hope that the President would decide, for one party or the other, speedily, in order that we might all know our duty, and thus avoid bloodshed, which we believed would certainly occur unless the General Government should interpose its authority between the contending parties. I do not in this affidavit undertake to give the precise language used by Mr. Cooley in the aforementioned conversation, but only its main effect and substance. I felt it my duty immediately to communicate the same to one of the gentlemen composing the deputation to Washington, and, by request, have given this affidavit thereof.

SAMUEL CURREY.

UNITED STATES OF AMERICA, { ss.  
Rhode Island district, }

In Providence, on this 5th day of February, A. D. 1842, personally appeared the above-named Samuel Currey, a gentleman of veracity to me well known, and made oath to the truth of the statement by him above subscribed before me. I do certify that I heard the above named Franklin Cooley state also the fact, that the above arms had been sent for as above stated, and I have every reason to believe it to be true.

JOHN PITMAN,  
District Judge of the United States  
for Rhode Island district.

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No. 163.

*Two letters of Governor King to the President.*

PROVIDENCE, April 4, 1842.

SIR: The State of Rhode Island is threatened with domestic violence. Apprehending that the legislature cannot be convened in sufficient season to apply to the Government of the United States for effectual protection in this case, I hereby apply to you, as the Executive of the State of Rhode Island, for the protection which is required by the constitution of the United States. To communicate more fully with you on this subject, I have appointed John Whipple, John Brown Francis, and Elisha R. Potter, esquires, three of our most distinguished citizens, to proceed to Washington, and to make known to you, in behalf of this State, the circumstances which call for the interposition of the Government of the United States for our protection.

I am, sir, very respectfully, your obedient servant,

SAMUEL W. KING,  
Governor of Rhode Island.

THE PRESIDENT OF THE UNITED STATES.

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PROVIDENCE, April 4, 1842.

SIR: For nearly a year last past, the State of Rhode Island has been agitated by revolutionary movements, and is now threatened with domestic violence.

The report of a joint committee of both branches of the legislature of this State, with an act and resolutions accompanying the same, herewith communicated, were passed unanimously by the Senate, and by a vote of sixty to six in the House of Representatives. The legislature adjourned to the first Tuesday of May next.

It has become my duty, by one of these resolutions, to adopt such measures as, in my opinion, may be necessary, in the recess of the legislature, to execute the laws, and preserve the State from domestic violence. The provisions of the said act "in relation to offences against the sovereign power of this State," have created much excitement among that portion of the people who have unequivocally declared their intention to set up another government in this State, and to put down the existing government; and they threaten, individually and collectively, to resist the execution of this act. The numbers of this party are sufficiently formidable to threaten seriously our peace; and in some portions of the State, and in this city particularly, may constitute a majority of the physical force, though they are a minority of the people of the State.

Under the dangers which now threaten us, I have appointed John Whipple, John Brown Francis, and Elisha R. Potter, esquires, three of our most distinguished citizens, to proceed to Washington, and consult with you in behalf of this State, with the view that such precautionary measures may be taken by the Government of the United States as may afford us that protection which the constitution of the United States requires. There is but little doubt but that a proclamation from the President of the United States, and the presence here of a military officer to act under the authority of the United States, would destroy the delusion which is now so prevalent, and convince the deluded that, in a contest with the government of this State, they would be involved in a contest with the Government of the United States, which could only eventuate in their destruction.

As no State can keep troops in time of peace, without the consent of Congress, there is the more necessity that we should be protected by those who have the means of protection. We shall do all we can for ourselves. The Government of the United States has the power to *prevent*, as well as to defend us from, violence. The protection provided by the constitution of the United States will not be effectual, unless such precautionary measures may be taken as are necessary to prevent lawless men from breaking out into violence, as well as to protect the State from further violence after it has broken out. Preventive measures are the most prudent and safe, and also the most merciful. The protective power would be lamentably deficient, if the "beginning of strife," which "is like the letting out of waters," cannot be prevented, and no protection can be afforded the State until, to many, it would be too late.

The above-named gentlemen are fully authorized to act in behalf of the State of Rhode Island in this emergency, and carry with them such documents and proof as will, no doubt, satisfy you that the interposition of the authority of the Government of the United States will be salutary and effectual.

I am, sir, very respectfully, your obedient servant,

SAMUEL W. KING,  
*Governor of Rhode Island.*

THE PRESIDENT OF THE UNITED STATES.

*Letter from the President, in reply to the foregoing letters of Gov. King.*

WASHINGTON, April 11, 1842.

SIR: Your letter, dated the 4th instant, was handed me on Friday by Mr. Whipple, who, in company with Mr. Francis and Mr. Potter, called upon me on Saturday, and placed me, both verbally and in writing, in possession of the prominent facts which have led to the present unhappy condition of things in Rhode Island—a state of things which every lover of peace and good order must deplore. I shall not adventure the expression of an opinion upon those questions of domestic policy which seem to have given rise to the unfortunate controversies between a portion of the citizens and the existing government of the State. They are questions of municipal regulation, the adjustment of which belongs exclusively to the people of Rhode Island, and with which this Government can have nothing to do. For the regulation of my conduct in any interposition which I may be called upon to make between the government of a State and any portion of its citizens who may assail it with domestic violence, or may be in actual insurrection against it, I can only look to the constitution and laws of the United States, which plainly declare the obligations of the executive department, and leave it no alternative as to the course it shall pursue.

By the fourth section of the fourth article of the constitution of the United States, it is provided that “the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened) *against domestic violence.*” And by the act of Congress, approved on the 28th of February, 1795, it is declared “that, in case of an insurrection in any State *against the government thereof*, it shall be lawful for the President of the United States, upon application of the legislature of such State, or by the executive (when the legislature cannot be convened,) to call forth such numbers of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection.” By the 3d section of the same act, it is provided “that whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a reasonable time.” By the act of March 3, 1807, it is provided “that, in all cases of insurrection, or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.”

This is the first occasion, so far as the government of a State and its people are concerned, on which it has become necessary to consider of the propriety of exercising those high and most important of constitutional and legal functions.

By a careful consideration of the above-recited acts of Congress, your excellency will not fail to see that no power is vested in the Executive of



the United States to anticipate insurrectionary movements against the government of Rhode Island, so as to sanction the interposition of the military authority; but that there must be an actual insurrection, manifested by lawless assemblages of the people, or otherwise, to whom a proclamation may be addressed, and who may be required to betake themselves to their respective abodes. I have, however, to assure your excellency, that, should the time arrive (and my fervent prayer is that it may never come) when an insurrection shall exist *against the government of Rhode Island*, and a requisition shall be made upon the Executive of the United States to furnish that protection which is guaranteed to each State by the constitution and laws, I shall not be found to shrink from the performance of a duty, which, while it would be the most painful, is, at the same time, the most imperative. I have also to say, that, in such a contingency, the Executive could not look into real or supposed defects of the existing government, in order to ascertain whether some other plan of government proposed for adoption was better suited to the wants, and more in accordance with the wishes, of any portion of her citizens. To throw the executive power of this Government into any such controversy, would be to make the President the armed arbitrator between the people of the different States and their constituted authorities, and might lead to a usurped power, dangerous alike to the stability of the State governments and the liberties of the people. It will be my duty, on the contrary, to respect the requisitions of that government which has been recognised as the existing government of the State through all time past, until I shall be advised, in regular manner, that it has been altered and abolished, and another substituted in its place, by legal and peaceable proceedings, adopted and pursued by the authorities and people of the State. Nor can I readily bring myself to believe that any such contingency will arise as shall render the interference of this Government at all necessary. The people of the State of Rhode Island have been too long distinguished for their love of order and of regular government, to rush into revolution in order to obtain a redress of grievances, real or supposed, which a government under which their fathers lived in peace would not in due season redress. No portion of her people will be willing to drench her fair fields with the blood of their own brethren, in order to obtain a redress of grievances, which their constituted authorities cannot for any length of time resist, if properly appealed to by the popular voice. None of them will be willing to set an example, in the bosom of this Union, of such frightful disorder, such needless convulsions of society, such danger to life, liberty, and property, and likely to bring so much discredit on the character of popular governments. My reliance on the virtue, intelligence, and patriotism of her citizens, is great and abiding; and I will not doubt but that a spirit of conciliation will prevail over rash counsels; that all actual grievances will be promptly redressed by the existing government; and that another bright example will be added to the many already prevailing among the North American republics, of change without revolution, and a redress of grievances without force or violence.

I tender to your excellency assurances of my high respect and consideration.

JOHN TYLER.

To his Excellency the GOVERNOR of *Rhode Island*.

No. 165.

*Letter of Henry Bowen, Secretary of State of Rhode Island, to the President, April 7, 1842, with affidavits of Martin Stoddard, Hamilton Hopkin, Samuel Currey, Jacob Friese, Christopher Robinson, and Edward S. Wilkinson.*

SECRETARY'S OFFICE, *Rhode Island, April 7, 1842.*

SIR: At the request of the Governor, I have the honor to enclose to you the within documents.

With great respect, your obedient servant,

HENRY BOWEN.

THE PRESIDENT OF THE UNITED STATES.

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I, Martin Stoddard, of the city and county of Providence, State of Rhode Island, &c., on oath declare: That I was *president of* [present at] a mass convention holden at Newport, in this State, on the 5th day of May last, the object of which convention, as I understood and believed at the time, was to concert measures to procure an extension of the elective franchise in this State. At that convention, I should judge there were two thousand people present. Whether they were all citizens of this State or not, I am not able to say; or whether they were all favorable to the objects of the meeting, I cannot state. At said convention sundry resolutions were passed, the tenor of which I have forgotten, but which were published shortly after in the "New Age," the reputed organ of the suffrage party; and a "State committee," so called, was elected at said convention, *viva voce*, to whom were delegated the powers of concerting measures to effect an extension of suffrage, and to adopt measures, if necessary, to obtain a written constitution for this State. Some time after the 5th day of July, 1841, said committee sent out a call to the people of this State, requesting them to elect delegates to a State convention, to be holden at Providence early in the month of October, A. D. 1841, for the purpose of framing a constitution for this State. That call, according to the best of my recollection, requested *the male citizens* of this State, of 21 years of age and upwards, to assemble in open meetings in their different towns, and elect delegates to said convention. Said delegates were elected by votes, upon the back of which each voter wrote his name, according to the best of my information, and were elected upon a ratio of population suggested by said State committee. At these meetings no negative votes were given, and no one, that I know or heard of, not friendly to this informal proceeding, taking any part therein. About 7,200 votes were cast in the whole State for these delegates, as I was informed, and verily believe. The delegates thus elected assembled in Providence on the 4th or 5th day of October, A. D. 1841, sat in convention for about one week, and adjourned till some time in November, A. D. 1841. They then reassembled, and framed a constitution, and ordered the same to be voted for on the 27th, 28th, and 29th days of December, A. D. 1841, in open meetings; and provided that during the three successive days, all those persons qualified to vote for said constitution, who had been prevented *by sickness, or other causes*, from attending said open meetings, might bring in, or send in, their votes by other persons, and deposite the same with the individual who presided at the open meet-

ings. *All male citizens* of the State, of 21 years and upwards, were authorized to vote upon the adoption of said constitution; and the persons presiding at said meeting were neither by the terms of the constitution voted for, nor by any law of the State, qualified to administer oaths or affirmations; and, of course, no mode was presented in the manner of voting to prevent fraudulent voting, nor legal responsibility incurred on the part of the persons presiding for receiving fraudulent votes. No person, with the exception of about eighty or one hundred individuals opposed to said constitution, took any part in voting upon said constitution—a large portion of the people of the State considering the movement illegal and revolutionary, especially as the constituted authorities of the State had, as early as January or February, A. D. 1841, called a convention of delegates, to be elected by the qualified electors of the State, to assemble in the month of November, A. D. 1841, for the purpose of framing a constitution, or part of a constitution, as to said convention might seem proper, for the government of the State. The votes thus received for the constitution thus informally elected, to be sent to an adjourned session of said convention, holden at Providence in January last, to be counted. At that adjourned session, said votes given as above were, as this affiant believes, counted; and, according to the best of this affiant's recollection, the published account stated there were 13,944 votes given in for said constitution, and some 80 or 100 votes against it; and it was then proclaimed by said convention to have been adopted, and that the same should go into effect at the time mentioned in said constitution.

The convention called by the General Assembly of the State, at its January session A. D. 1841, to be holden in the month of November, A. D. 1841, met; and, after being in session two weeks, adjourned till some time in February last; when they again assembled, and, having finished the business assigned to them, presented to the people of the State, for their adoption or rejection, a constitution, by the provisions of which the right of suffrage was very liberally extended, and was to be voted for on the 21st, 22d, and 23d days of March last, in open town meetings organized according to law, and where all necessary oaths could be administered to prevent illegal voting. Said constitution was rejected, and its most hostile opponents were found among those who, one year ago, were petitioners to the General Assembly of this State for an extension of the right of suffrage; a large, very large majority of those qualified to vote under the existing statute laws of this State, who voted upon that question, voted, as this affiant verily believes, for the adoption of said constitution.

Since the rejection of said constitution, and especially within the last two or three days, a spirit of determined opposition to the existing government of this State has manifested itself among many of our citizens. This feeling is seen and manifested among those who, during the last year, have exhibited so much anxiety for an extension of the right of suffrage. These persons contend that the constitution made and adopted in manner herein first mentioned—that said constitution is the supreme law of this State, and, as such, they will defend it at all and every hazard. And this affiant believes, from what he has seen and heard, that large masses of men in this State are arming themselves to resist, by arms, any effort that may be made on the part of the constituted authorities of this State to enforce such laws as are necessary to prevent a subversion of the existing government. This affiant states that a large portion of the last mentioned



people truly believe that in this effort they will be sustained by the General Government, and that the government which they may set up under their pretended constitution will be recognised by the Government of these United States as the legal government of this State. This affiant therefore verily believes that, without some interference on the part of the Executive of these United States, the peace and quiet of this State CANNOT be preserved, and that all the horrors of civil war will, and must, be suffered by our people.

MARTIN STODDARD.

UNITED STATES OF AMERICA, }  
*Rhode Island district,* } ss :

On this 6th day of April, A. D. 1842, personally appeared the above-named Martin Stoddard, well known to me, and, I believe, a gentleman of veracity, and made oath to the truth of the statement above by him subscribed before me,

JOHN PITMAN,  
*District Judge U. S., for Rhode Island district.*

I, Hamilton Hoppin, of Providence, in the State of Rhode Island, on oath do testify and say: That, in a conversation which I and two other persons had with David M. Hamilton of this city, on the 5th instant, (Tuesday,) the said David stated that, in case of an outbreak and violence in this State, the Boston Montgomery Guards were ready to assist those who support the people's constitution; that this had been arranged and agreed on; that one of the sergeants of the said guards was then in this city, and that about 125 or 150 of the muskets of said guards were deposited in his house, and he offered to show them if we would step over with him. His house is within 20 or 25 rods of my father's; and the said David is well known to me as a naturalized Irishman of property and influence among his class of citizens. This is the substance and effect of the said conversation.

HAMILTON HOPPIN.

I, Samuel Currey, of Providence, in the State of Rhode Island, on oath do testify and say: That I was last evening informed by one Douglas Seamans of this city, that he had good reasons to know that the party who threaten to carry the (so called) people's constitution into effect, had provided themselves with from four to five thousand stand of arms; that they were ready at a moment's warning to take the field; that they were determined to resist force by force, and put down the existing government at all hazards. The said Seamans boards at the hotel with me, is an adherent of the party opposed to law and order, and it is my firm belief that he said the foregoing upon good and sufficient authority. I have other reasons for believing the same facts; and have no doubt, from these and other statements which have been made to me, that the peace of the State, the lives and property of our citizens, are in imminent danger. The said Seamans meant to convey the impression that the aforementioned arms were distributed

among the people of this city, and that his party were of that strength here, independently of their forces in other parts of the State.

SAMUEL CURREY.

UNITED STATES OF AMERICA, }  
Rhode Island district, } ss.

On this sixth day of April, A. D. 1842, personally appeared the above-mentioned Hamilton Hoppin and Samuel Currey, and made oath to the truth of the facts contained in the statements by them above respectively subscribed before me. And I certify that they are persons entitled to credit.

JOHN PITMAN,  
*District Judge of the United States  
for Rhode Island district.*

The following statement of facts relative to the proceedings of the party from which has emanated the people's constitution, (so called,) is made partly from recollection, and partly from the official publications of the above-named party:

On Saturday, April 17, 1841, the Rhode Island Suffrage Association, located in the city of Providence, together with the auxiliary associations in various other towns and villages in the State, assembled at Providence by previous appointment, and held what was termed a mass meeting. The assemblage was very large—containing, probably, from six to eight thousand; and in the procession were many banners, with inscriptions—some of the latter calculated to produce the impression that the party had intended and determined to effect a change in the form and principles of government in the State, at all hazards. Among these were "I DIE FOR LIBERTY;" "PEACEABLY IF WE CAN, FORCIBLY IF WE MUST;" &c. Nothing very material occurred at the above convention or meeting; but in a few days subsequent to it, another was appointed, with the mutual understanding of the various associations, and also individuals, to be held at Newport on Wednesday, May 5th, the day of the general election at that place for the State of Rhode Island. This convention, or rather mass meeting, (for it was a perfectly voluntary assemblage,) consisted, as near as could be conveniently ascertained, of about five thousand people, as computed by its friends, and published in the official organ of the party at the time. At that meeting a resolution, among others, was passed to appoint a State committee, with powers to call a convention of the people to form a constitution for the State. In conformity with this resolution, a committee was appointed, consisting of eleven members. The proceedings were strictly of an ex-parte character, as none were permitted to act at the meeting but those who wore the badge of the suffrage party, or were otherwise recognised as its friends and supporters. (See *New Age*, June 18, 1841.)

Subsequent to the meeting at Newport, no other movements occurred of an extraordinary character, or of much importance, except a passage of resolutions occasionally at the meetings of the associations, the celebration of the anniversary of American Independence at Providence, and more particularly the meeting of the State committee at Providence, and the measures taken by that committee to call a convention to form a State constitution.

tion. (See *New Age*, June 18, 1841.) The meetings for the choice of delegates from the several wards and towns to attend that convention, were directed to be held on Saturday, August 28, 1841. Previous to the issue of the call for this convention, the General Assembly had issued a call for a convention of the freemen of the State to form a constitution; and the meetings for the choice of delegates to this convention had, at the same time, been ordered to take place on Tuesday, August 31, 1841. Thus the State committee intentionally took precedence of the General Assembly in point of time, and maintained that precedence throughout, as did also the (so called) people's convention over that one summoned and acting under the legislative authority. And, as far as I knew, or was able to learn, that course was pursued by the leaders, or a portion of the leaders of that party, that, by premature action and ultra measures, they might counteract the efforts of the legal convention, render its labors abortive, and secure themselves the support of a large popular majority in the State—to revolutionize the government, peaceably or forcibly, as the case might be.

The meetings for the choice of delegates, and those for the adoption of the people's constitution, were of course, destitute of sworn officers, and without legal responsibility. The number of votes for delegates in the entire State was about 7,000. (See *New Age*, September 3, 1841.) For the adoption of the constitution, the number was said to be 13,944, and was so returned. As near as I have been able to judge, about 9,500 of these were received on the first three days; and the remainder, by proxy, on the last three days. Of the manner in which these meetings and the voting were conducted, (except at the 3d ward polls in the city of Providence, where I attended myself,) I can say nothing; though it was then, and has been since, supposed that uniformity prevailed, in a great measure, in most parts of the State. In the above named ward, no evidence was required, on either occasion alluded to, of the qualification to vote of any one who offered, except his own yea or nay; and even of foreigners, strangers, or otherwise, no naturalization papers, or other evidence of citizenship, was required. During the last three days, or days of proxy voting, I was informed by the warden or moderator, and clerk, that a large number of votes were deposited in the ballot-box, which had been received from seamen and others, then absent, previous to their departure; and I have reason to suppose that, from persons who did not attend the polls at all in that ward, some two or three hundred votes were cast, or said to be cast. Similar proceedings, it was understood, were had throughout the State.

I know that some, at least, of the most prominent men in that party, (and I think many, if not all of them,) were extremely anxious that the legal convention should not form a constitution that would be acceptable to the people; that they declared they would not vote for one, word for word like their own, or even better than their own; and that, let what would come, they would carry their constitution into effect, and organize and establish a government on it, by force if necessary. And such, I have reason to believe, has been, from the first, and still continues to be, the spirit and feeling of the members of that party in general. Much of that spirit I have seen manifested, and many threats of violence in case of resistance to their measures; nor have I any reason to suppose that they were lightly or idly uttered or intended. I have long been conversant with the party of which I have spoken, and I think I understand their feelings; and, from the treatment I have invariably received when opposing even all intimations of vio-



lence, am fully persuaded that a firm resolve pervades their ranks never to give back from their purpose, if they can perceive a probability of its execution by any means in their power. As further evidence of this, refer to resolutions of the State convention, passed at Providence, Wednesday, January 12, 1842, and the motto on their flag, which was, and still is, "*The constitution is adopted, and shall be maintained.*"

JACOB FRIEZE.

PROVIDENCE, April 6, 1842.

UNITED STATES OF AMERICA, }  
Rhode Island district, } ss:

On this 6th day of April, A. D. 1842, personally appeared the before-named Jacob Frieze, subscribed to the foregoing statement, and solemnly affirmed that the facts therein stated were true, before me; and I certify that the said Jacob Frieze is a man of respectability and entitled to credit.

JOHN PITMAN,

*District Judge of the United States  
for Rhode Island district.*

I, Christopher Robinson, of Cumberland, in the county of Providence and State of Rhode Island, on oath declare: That I am a native of Rhode Island, and, for the last eighteen months have been a member of the State Legislature. This affiant further states, that, in the spring of 1841, according to the best of this affiant's recollection, meetings of individuals, in many towns in this State, were organized under the name of "suffrage associations;" the objects of which associations were ostensibly to procure an extension of the elective franchise in this State. In the month of May last, a mass meeting of the people of this State, friendly to the purpose of said associations, was called by the suffrage association in the city of Providence, to be holden in Newport, in this State, on the 5th day of said month, for the purpose of concerting measures to effect the object of said associations. Said mass meeting was holden at said Newport at the time aforesaid, at which a State committee was elected, vested with authority by said mass meeting to call, if necessary, a State convention. Another mass meeting of the people, friendly to the objects of said "suffrage associations," was holden in the city of Providence on the 5th day of July, 1841, at which this affiant believes it was resolved to call a convention of the people of the State for the purpose of framing a constitution for the government thereof. In the month of July, 1841, according to the best of this affiant's recollection, papers were circulated in the town of Cumberland, and this affiant presumes in other towns, for the purpose of procuring the signatures of the citizens to an expression of their wishes either for or against having a constitution for the State. How many signatures were obtained to said papers, this affiant does not know. Early in the month of August last, a call was made by the State committee who were elected at the mass convention at Newport, directed to the people of this State, and requesting the male citizens thereof, who were of the age of 21 years and upwards, to assemble in their different towns in open meetings, and elect delegates to a convention to be holden at Providence on the 5th day of October, A. D. 1841, according to the best of this affiant's recollection, for the purpose of framing a consti-

tution of this State. Said meetings were holden in the different towns in this State, as this affiant understood and verily believes; at which said meetings no negative votes were given, as this affiant has heard and verily believes; and which meetings were not recognised by any law of this State, and the officers of which said meetings did not act under any legal obligation, nor did they return a record of their doings to any legal body in this State. The delegates elected as aforesaid assembled in the city of Providence at the time appointed, and, after being in session one week, adjourned to meet in the city of Providence on the 15th day of November following, at which time said convention reassembled and completed the formation of a constitution; which said constitution was ordered by said convention to be voted for on the 27th, 28th, and 29th days of December, 1841, in open meetings; and the three successive days were allowed by said convention for those persons who were prevented by sickness, or other causes, from attending the open meetings, to bring or send in their votes to the persons who presided at the open meetings. All persons over the age of 21 years, resident in the State, were allowed, as this affiant recollects, to vote upon the question of its adoption, and the voter was requested to express upon the back of his vote that he was qualified to vote by the existing laws of this State or not, and also to declare that he was an American citizen of the age of 21 years, and had his permanent residence or home in this State. On this vote the name of the voter was written. The convention ordered said votes, after the expiration of the said six days, to be sealed up and sent to said convention, at an adjourned session of said convention in said Providence, holden on the — day of January, A. D. 1842, for the purpose of being counted. Said convention met on said — day of January, A. D. 1842, counted said votes, declared that a majority of the people of this State over the age of 21 years had voted for said constitution, and proclaimed that the same was the supreme and paramount law of the State. On the 19th day of February, A. D. 1842, a convention, called by the General Assembly of this State at their January session, A. D. 1841, sent out to the people of this State a constitution for their adoption or rejection, and ordered the same to be voted for on the 21st, 22d, and 23d days of March last, by the people of this State who were qualified to vote under its provisions—said voting to be had in open town meetings, and the presiding officer of the same duly authorized to administer all necessary oaths, to prevent illegal and fraudulent voting.

Before the rising of said last convention called by the General Assembly, and elected by the qualified electors of the State, meetings were held in various parts of the State by the friends of the "people's constitution," (as the constitution emanating from the first convention herein described was called,) in which said meeting the constitution proposed by the convention called by the General Assembly was denounced as a usurpation of the power of the people, and in which it was determined to stand by and defend the first constitution at all hazards.

On the 26th day of February, A. D. 1842, a meeting of persons friendly to the first-named constitution was holden in the village of Woonsocket, in the town of Cumberland, in which said village this affiant resides, [at which meeting] the two following resolutions were passed:

*Resolutions passed at Woonsocket, February 26.*

*"Resolved, That the people's constitution we will maintain at ALL AND EVERY HAZARD.*

*"Resolved, That we, as one man, WILL, BY EVERY MEANS IN OUR POWER, oppose the adoption of this spurious constitution, nor abate our efforts until it shall be one of the things that were."*

And, on the 1st day of March, A. D. 1842, another meeting of the friends of the first constitution was holden in the town of Cumberland, at which said meeting the following resolutions were passed :

*Resolutions passed at Cooke's Hotel, Cumberland, March 1.*

*"Resolved, That we will peaceably submit to the authorities of this State until a certain day named in the people's constitution, when we will not be governed by any power but such as is provided by the constitution, unless forced by the strong arm of power.*

*"Resolved, That the time may come when further forbearance will cease to be a virtue, and we shall consider that time as arrived whenever there is any hindrance to the peaceable action of the people's constitution.*

*"Resolved, That we stand ready at a moment's warning, with our lives and honor, to carry into full effect the people's constitution, according to the conditions of the same, unless otherwise ordered by the General Government of this nation."*

This affiant states that he was not present at any of the above meetings, and knows of the passage of the said resolutions only by reading them in the newspapers, and hearing those who set up the people's constitution (so called) as the supreme law of the State acknowledging that such resolutions were passed, and avowing in their conversation the same sentiments and same determination ; and this affiant further states, that he has heard many individuals threaten to enforce said constitution by arms, if necessary ; and this affiant further states that he verily believes that there are now in this State large bodies of men who have pledged themselves, by a resort to arms, if necessary, to resist any attempt on the part of the government to enforce the act entitled "An act in relation to offences against the sovereign power of the State ;" and this belief is founded on the declarations, openly and boldly made, by those of our people who have been made to believe that the first-named constitution, informally made and informally voted for, is the supreme law of the State.

This affiant resides in a large manufacturing village—a large portion of the male population of which over the age of 21 years believe that said constitution, made without law, is the supreme law of the State, and will be so recognised by the constituted authorities of the United States. To those authorities they appear alone willing to yield ; and this affiant verily believes that any intimation from the Executive of the United States as to the validity of said constitution will settle the whole difficulties, which have now assumed the character of open and determined opposition to the present government of this State.

CHRISTOPHER ROBINSON.



UNITED STATES OF AMERICA, }  
*Rhode Island district,* } ss:

On this 6th day of April, A. D. 1842, personally appeared the above-named Christopher Robinson, to me well known to be a gentleman of veracity, and a member of the Rhode Island bar, and a member of the General Assembly of this State, and made oath to the truth of the statement by him above subscribed, before me,

JOHN PITMAN,  
*District Judge of the United States  
 for Rhode Island district.*

I, Edward S. Wilkinson, of the village of Pawtucket, in the town of North Providence, and State of Rhode Island, on oath depose: That, on the 5th day of April, A. D. 1842, notices were pasted up in various places in said village, calling upon the friends of suffrage to meet at the Pawtucket Hotel on the evening of the said 5th day of April, for the purpose of forming a "militia company." One of the handbills calling said meeting is hereunto annexed. And this affiant further says, that the written portion of said handbill is in the handwriting of John S. Dispean, a constable of said town of North Providence, who is known to this affiant to be a leading and active member of the party who supports the "people's constitution," so called. And this affiant further says, that a meeting was held in said village in pursuance of said call; but of the doings of said meeting this affiant is not apprized. And this affiant further says, that he is well acquainted with Isaac T. Jenks, and that he is a duly commissioned deputy sheriff in said Pawtucket, and that his statements are entitled to the fullest credit.

EDW. S. WILKINSON.

I, Isaac T. Jenks, of said Pawtucket, certify that the facts in relation to the handbill contained in the affidavit of Edw. S. Wilkinson are true, and that the annexed is one of the original handbills; and furthermore, that the written part of said handbill is in the handwriting of John S. Dispean, and said handbills were posted up by said Dispean, to my own knowledge.

ISAAC T. JENKS.

UNITED STATES OF AMERICA, }  
*Rhode Island district,* } ss:

On this 6th day of April, A. D. 1842, personally appeared the above-named Edward S. Wilkinson and Isaac T. Jenks, subscribers to the foregoing affidavits, and made oath to the truth of the same as by them subscribed before me; and I further certify that the said Edward S. Wilkinson is well known to me as a gentleman of veracity and character, and that he is a Representative in the General Assembly of this State.

JOHN PITMAN,  
*District Judge of the United States  
 for the Rhode Island district.*

No. 166.

*Letter of John Whipple, craving audience with the President, in behalf of the Rhode Island committee.*

APRIL 9, 1842.

MY DEAR SIR: Will you do me the favor to see the committee from Rhode Island, as soon after the meeting of the cabinet as may suit your convenience?

I regret to learn from Mr. Francis that the leaning of your mind was decidedly against any expression of opinion upon the subject, upon the ground that *free suffrage* must prevail. Undoubtedly it will. That is not the question. The freeholders of Rhode Island have yielded that point; and the *only* question is, between their constitution, providing for an extension of suffrage, and ours, containing *substantially* the same provision. Whether their constitution shall be carried out by *force of arms*, without a majority; or the present government be supported *until* a constitution can be agreed upon that will command a majority. Neither their constitution nor ours has, as yet, received a majority of the free white males over twenty-one years of age. *There is no doubt upon that subject*; and I very much regret that your mind should have been influenced (if it has) by the paper called the *Express*. Nearly all the leaders, who are professional men, have abandoned them, on the ground that a majority is not in favor of their constitution. I *know* this to be true. I do hope that you will reconsider this vital question, and give us a full hearing before you decide.

With great respect, very truly and sincerely, yours,

JOHN WHIPPLE.

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 No. 167.

*Statement of facts submitted to the President by John Whipple, John Brown Francis, and Elisha R. Potter, committee appointed by Governor King to confer with the President.*

WASHINGTON, April 10, 1842.

The undersigned having been deputed by Samuel W. King, the Governor of the State of Rhode Island, to lay before you the present alarming condition in which the people of that State are placed, and to request from you the adoption of such prudential measures as, in your opinion, may tend to prevent domestic violence, beg leave most respectfully to state the following, among the leading facts to which your attention is more particularly invited.

That the people of Rhode Island have no fundamental law, except the charter of King Charles the Second, granted in 1663, and the usage of the legislature under it. Legislative usage under their charters has been decided by the Supreme Court of the United States to be the fundamental law, both in Connecticut and Rhode Island.

That, from the date of the Rhode Island charter down to the year 1841, a period of nearly two hundred years, no person has been allowed to vote for town or State officers, unless possessed of competent estates, and admitted free in the several towns in which they resided,

That, since the statute of 1728, no person could be admitted a freeman of any town unless he owned a freehold estate of the value fixed by law, (now, one hundred and thirty-four dollars,) or was the eldest son of such a freeholder.

That, until the past year, no attempt has been made, to our knowledge, to establish any other fundamental law, by force, than the one under which the people have lived for so long a period.

That, at the January session of the legislature in 1841, a petition signed by five or six hundred male inhabitants, praying for such an extension of suffrage as the legislature might in their wisdom deem expedient to propose, was presented.

That, influenced by that petition, as well as by other considerations, the legislature at that session requested the qualified voters (or freemen, as they are called with us) to choose delegates at their regular town meetings to be holden in August, 1841, for a convention to be holden in November, 1841, to frame a written constitution.

That the result of the last meeting of this legal convention in February, 1842, was the constitution accompanying this statement, marked ———, which, in case of its adoption by the people, would have been the supreme law of the State.

Most of the above facts are contained in the printed report of a numerous committee of the legislature at their session in March, 1842, which report was adopted by the legislature.

That, in May, 1841, after said legal convention had been provided for by the legislature, and before the time appointed for the choice of delegates by the qualified voters, (August, 1841,) a mass meeting was held by the friends of an extension of suffrage at Newport, at which meeting a committee was appointed, called the State committee, who were authorized by said mass meeting to take measures for calling a convention to frame a constitution.

That this committee thus authorized, issued a request for a meeting of the male citizens in the several towns, to appoint delegates to the proposed convention.

That meetings (of unqualified voters, principally, as we believe) were accordingly holden in the several towns, unauthorized by law, and contrary to the invariable custom and usage of the State from 1663 down to that period; that the aggregate votes appointing the delegates to that convention were, according to their own estimate, about 7,200; whereas the whole number of male citizens over 21 years of age, after making a deduction for foreigners, paupers, &c., was, according to their own estimate, over 22,000.

That this convention, thus constituted, convened in Providence, in October, 1841; and the constitution, called the "people's constitution," was the result of their deliberations.

That, at subsequent meetings of portions of the people, in December, 1841, by the authority of this convention alone, (elected, as its delegates had been, by about one-third of the voters, according to their own standard of qualification,) all males over 21 years of age were admitted to vote for the adoption of the people's constitution. That these meetings were not under any presiding officer whose legal right or duty it was to interpose any check or restraint as to age, residence, property, or color.



By the 14th article of this constitution, it was provided that "this constitution shall be submitted to the people for their adoption or rejection on Monday, the 27th of December next, and on the two succeeding days; and every person entitled to vote as aforesaid, who, from sickness or *other causes*, may be unable to attend and vote in the town or ward meetings assembled for voting upon said constitution, on the days aforesaid, is requested to write his name on a ticket, and to obtain the signature, upon the back of the same, of a person who has given in his vote, as a witness thereto; and the moderator or clerk of any town or ward meeting convened for the purpose aforesaid shall receive such vote on either of the three days next succeeding the three days before named for voting for said constitution."

During the first three days, about 9,000 votes were received from the hands of the voters in the open meetings. By the privilege granted to any and all friends of the constitution, of *bringing in* to their meetings the *names* of voters during the three following days, 5,000 votes more were obtained—making an aggregate of about 14,000 votes.

This constitution, thus originating and thus formed, was subsequently declared by this convention to be the supreme law of the land. By its provisions, a government is to be organized under it, by the choice of a Governor, Lieutenant Governor, Senators and Representatives, on the Monday preceding the third Wednesday in April, 1842.

By the provisions of the "landholders' constitution," (as the legal constitution is called,) every white native citizen, possessing the freehold qualification, and over 21 years of age, may vote upon a residence of *one* year; and without any freehold, may vote upon a residence of *two* years; except in the case of votes for town taxes, in which case the voter must possess the freehold qualification, *or* be taxed for other property of the value of \$150.

By the "people's constitution," "every white male citizen of the United States, of the age of 21 years, who has resided in this State for *one* year, and in the town where he votes for six months," shall be permitted to vote, with the same exception as to voting for town taxes as is contained in the other constitution.

The provision, therefore, in relation to the great subject in dispute—the elective franchise—is substantially the same in the two constitutions.

On the 21st, 22d, and 23d March last, the legal constitution, by an act of the legislature, was submitted to all persons who, by its provisions, would be entitled to vote under it, after its adoption, for their ratification. It was rejected by a majority of 676 votes, the number of votes polled being over 16,000. It is believed that many freeholders voted against it, because they were attached to the old form of government, and were against any new constitution whatever. Both parties used uncommon exertions to bring all their voters to the polls; and the result of the vote was, under the scrutiny of opposing interests in legal town meetings, that the friends of the people's constitution brought to the polls probably not over 7,000 to 7,500 votes. The whole vote against the legal constitution was about 8,600. If we allow 1,000 as the number of freeholders who voted against the legal constitution because they are opposed to any constitution, it would leave the number of the friends of the people's constitution 7,600, or about one-third of the voters of the State, under the new qualification proposed by either constitution.

It seems incredible that there can be 14,000 friends of the people's constitution in the State, animated, as they are, by a most extraordinary and en-

thusiastic feeling; and yet, upon this trial, in the usual open and fair way of voting, they should have obtained not over 7,600 votes.

The unanimity of the subsequent action of the legislature, comprehending, as it did, both the great political parties—the House of Representatives giving a vote of 60 in favor of maintaining the existing government of the State, and only 6 on the other side, with a unanimous vote in the Senate—the unanimous and decided opinion of the supreme court declaring this extraordinary movement to be illegal in all its stages, (see No. 212,) a majority of that court being of the democratic party—with other facts of a similar character, have freed this question of a mere party character, and enabled us to present it as a great constitutional question.

Without presuming to discuss the elementary and fundamental principles of government, we deem it our duty to remind you of the fact that the existing government of Rhode Island is *the* government that adopted the constitution of the United States, became a member of this confederacy, and has ever since been represented in the Senate and House of Representatives. It is, at this moment, the existing government of Rhode Island, both *de facto* and *de jure*; and is the only government in that State entitled to the protection of the constitution of the United States.

It is that government which now calls upon the General Government for its interference; and even if the legal effect of there being an ascertained majority of unqualified voters against the existing government were as is contended for by the opposing party, yet, upon their own principle, ought not that majority in point of fact to be clearly ascertained, not by assertion, but by proof, in order to justify the General Government in withdrawing its legal and moral influence to prevent domestic violence?

That a domestic war of the most furious character will speedily ensue, unless prevented by a prompt expression of opinion here, cannot be doubted. In relation to this, we refer to the numerous resolutions passed at meetings of the friends of the people's constitution, and more especially to the Cumberland resolutions, herewith presented, and the affidavits marked Nos 162 and 165, and to repeated expressions of similar reliance upon the judgment of the Chief Magistrate of the nation.

All of which is respectfully submitted by

JOHN WHIPPLE,  
JOHN BROWN FRANCIS,  
ELISHA R. POTTER.

His Excellency JOHN TYLER,

*President of the United States.*

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No. 168.

*Letter of Governor King to the President, transmitting resolutions of the General Assembly, declaring the State of Rhode Island in a state of insurrection, and calling for the military interference of the United States.*

NEWPORT, R. I., May 4, 1842.

SIR: I transmit, herewith, certain resolutions passed by the General Assembly of this State, at their session holden at Newport on the first Wednesday of May instant.

You are already acquainted with some of the circumstances which have rendered necessary the passage of these resolutions. Any further information that may be desired will be communicated by the bearers, the honorable Richard K. Randolph, Speaker of the House of Representatives, and Elisha R. Potter, esq., a member of the Senate of this State.

I cannot allow myself to doubt but that the assistance to which this State is entitled under the constitution of the United States, to protect itself against domestic violence, will be promptly rendered by the General Government of the Union.

With great respect, I am your excellency's humble servant,

SAM. W. KING,

*Governor of Rhode Island.*

To his Excellency JOHN TYLER,  
*President of the United States.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, May session, 1842.*

Whereas a portion of the people of this State, for the purpose of subverting the laws and existing government thereof, have framed a pretended constitution, and for the same unlawful purposes have met in lawless assemblages, and elected officers for the future government of this State: and whereas the persons so elected, in violation of law, but in conformity to the said pretended constitution, have, on the third day of May instant, organized themselves into executive and legislative departments of government, and, under oath, assumed the duties and exercise of said powers: and whereas, in order to prevent the due execution of the laws, a strong military force was called out, and did array themselves to protect the said unlawful organization of government, and to set at defiance the due enforcement of law: Therefore,

*Resolved by the General Assembly,* That there now exists in this State an insurrection against the laws and constituted authorities thereof; and that, in pursuance of the constitution and laws of the United States, a requisition be, and hereby is, made by this legislature upon the President of the United States, forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, to support the existing government and laws, and protect the State from domestic violence.

*Resolved,* That his excellency the Governor be requested immediately to transmit a copy of these resolutions to the President of the United States.

True copy—

Witness:

HENRY BOWEN,

*Secretary of State.*

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*Secretary's Office, May 4, 1842.*

I, Henry Bowen, Secretary of said State, and keeper of the records and the seal thereof, do certify that the foregoing is a true copy of the resolu-



tion passed by the General Assembly of said State, this fourth day of May instant—duly compared.

In testimony whereof, I have hereunto set my hand, and affixed the seal [L. s.] of said State, at Newport, the day and year above written.

HENRY BOWEN.

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No. 169.

*The President's letter to Governor King, in reply to his letter of May 4, 1842.*

WASHINGTON, May 7, 1842.

SIR: Your letter of the 4th instant, transmitting resolutions of the legislature of Rhode Island, informing me that there existed in that State "certain lawless assemblages of a portion of the people," "for the purpose of subverting the laws and overthrowing the existing government," and calling upon the Executive "forthwith to interpose the authority and power of the United States to suppress such insurrectionary and lawless assemblages, and to support the existing government and laws, and protect the State from domestic violence," was handed me yesterday by Messrs. Randolph and Potter.

I have to inform your excellency, in reply, that my opinions as to the duties of this Government to protect the State of Rhode Island against domestic violence remain unchanged. Yet, from information received by the Executive since your despatches came to hand, I am led to believe that the lawless assemblages, to which reference is made, have already dispersed, and that the danger of domestic violence is hourly diminishing, if it has not wholly disappeared. I have with difficulty brought myself at any time to believe that violence would be resorted to, or an exigency arise, which the unaided power of the State could not meet—especially as I have, from the first, felt persuaded that your excellency, and others associated with yourself in the administration of the government, would exhibit a temper of conciliation as well as of energy and decision. To the insurgents themselves, it ought to be obvious, when the excitement of the moment shall have passed away, that changes achieved by regular, and, if necessary, repeated appeals to the constituted authorities, in a country so much under the influence of public opinion, and by recourse to argument and remonstrance, are more likely to ensure lasting blessings than those accomplished by violence and bloodshed on one day, and liable to overthrow, by similar agents, on another.

I freely confess that I should experience great reluctance in employing the military power of this Government against any portion of the people; but, however painful the duty, I have to assure your excellency that, if resistance be made to the execution of the laws of Rhode Island by such force as the *civil posse* shall be unable to overcome, it will be the duty of this Government to enforce the constitutional guarantee—a guarantee given and adopted mutually by all the original States, of which number Rhode Island was one, and which, in the same way, has been given and adopted by each of the States since admitted into the Union; and if an exigency of lawless violence shall actually arise, the Executive Government of the

United States, on the application of your excellency, under the authority of the resolutions of the legislature already transmitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws. I sincerely hope, however, that no such exigency may occur, and that every citizen of Rhode Island will manifest his love of peace and good order, by submitting to the laws, and seeking a redress of grievances by other means than intestine commotions.

I tender to your excellency assurances of my distinguished consideration.

JOHN TYLER.

To the GOVERNOR of the State of Rhode Island.

No. 170.

*Letter of Governor Dorr to the President of the United States, enclosing resolutions of the General Assembly under the people's constitution that the government was organized.*

SIR: As requested by the General Assembly, I have the honor of transmitting to you, under the seal of the State, the accompanying resolutions; And I am, very respectfully, your obedient servant,

THOMAS W. DORR,  
Governor of the State of Rhode Island  
and Providence Plantations.

To JOHN TYLER,  
President of the United States.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

GENERAL ASSEMBLY—MAY SESSION,  
*In the city of Providence, A. D. 1842.*

*Resolved,* That the Governor be requested to inform the President of the United States that the government of this State has been duly elected and organized under the constitution of the same; and that the General Assembly are now in session, and proceeding to discharge their duties according to the provisions of said constitution.

*Resolved,* That the Governor be requested to make the same communication to the President of the Senate, and to the Speaker of the House of Representatives, to be laid before the two houses of the Congress of the United States.

*Resolved,* That the Governor be requested to make the same communication to the Governors of the several States, to be laid before the respective legislatures.

A true copy:—Witness,

WM. H. SMITH,  
Secretary of State.

No. 171.

[Private and confidential.]

*Confidential letter of the President to Governor King.*

MAY 9, 1842.

SIR: Messrs. Randolph and Potter will hand you an official letter; but I think it important that you should be informed of my views and opinions as to the best mode of settling all difficulties. I deprecate the use of force, except in the last resort; and I am persuaded that measures of conciliation will at once operate to produce quiet. *I am well advised*, if the General Assembly would authorize you to announce a general amnesty and pardon for the past, without making any exception, upon the condition of a return to allegiance, and follow it up by a call for a new convention upon somewhat liberal principles, that all difficulty would at once cease. And why should not this be done? A government never loses anything by mildness and forbearance to its own citizens; more especially when the consequences of an opposite course may be the shedding of blood. In your case, the one-half of your people are involved in the consequences of recent proceedings. Why urge matters to an extremity? If you succeed by the bayonet, you succeed against your own fellow-citizens, and by the shedding of kindred blood; whereas, by taking the opposite course, you will have shown a paternal care for the lives of your people. My own opinion is, that the adoption of the above measures will give you peace, and insure you harmony. A resort to force, on the contrary, will engender, for years to come, feelings of animosity.

I have said that I *speak advisedly*. Try the experiment; and if it fail, then your justification in using force becomes complete.

Excuse the freedom I take, and be assured of my respect.

JOHN TYLER.

Governor KING, of Rhode Island.

No. 172.

*Letter of Governor King to the President, acknowledging the receipt of the President's letter of May 9.*

PROVIDENCE, (R. I.) May 12, 1842.

MY DEAR SIR: I have had the honor to receive your communication of the 9th instant, by Mr. Randolph, and assure you it has given me much satisfaction to know that your views and opinions as to the course proper to be pursued by the government of this State, in the present unhappy condition of our political affairs, is so much in conformity with my own.

Our legislature will undoubtedly, at their session in June next, adopt such measures as will be necessary to organize a convention for the forma-



tion of a new constitution of government, by which all the evils now complained of may be removed.

It has already been announced, as the opinion of the executive, that such of our citizens as are or have been engaged in treasonable and revolutionary designs against the State will be pardoned for the past, on the condition only that they withdraw themselves from such enterprise, and signify their return to their allegiance to the government.

With high consideration and respect, your obedient and very humble servant,

SAML. W. KING.

His Excellency the PRESIDENT OF THE UNITED STATES.

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No. 173.

*Letter of Elisha R. Potter to the President.*

KINGSTON, (R. I.) May 15, 1842.

DEAR SIR: We arrived at Newport on Wednesday morning, in time to attend the meeting of our legislature.

The subject of calling a convention immediately, and upon a liberal basis as to the right of voting for the delegates, was seriously agitated amongst us. The only objection made was, that they did not wish to concede while the *people's party* continued *their threats*. All allowed that the concession must be made, and the only difference of opinion was as to time.

For my own part, I fear we shall never see the time when concession could have been made with better grace, or with better effect, than now. If two or three *noisy* folks among the suffrage party could only have their mouths stopped for a week or two, a reconciliation could be brought about at any time. Or, if Mr. Dorr would allow himself to be arrested peaceably, and give bail, no one could then object. But the supporters of the government say it is wrong to give up so long as Mr. Dorr threatens actual resistance to the laws in case he is arrested. If this could be done, they would then consider that they had sufficiently shown their determination to support the laws; and the two measures which you proposed to us in conversation at Washington—a convention, and then a *general amnesty*—would succeed beyond a doubt.

Allow me to suggest that if Mr. Wickliffe, or some one whom you might think would have most influence, would address a letter to Governor Fennor on the subject of conciliation, it might be of great service. Governor F. is the father-in-law of General Mallett, and a member of our Senate.

Our Assembly adjourned to the third Monday of June; but it is in the power of the Governor to call it sooner, which can be done in a day at any time. Unless, however, there is a little more *prudence* in the *leaders* on both sides, we shall then be farther from reconciliation than now. The great mass of both parties I believe to be sincerely anxious for a settlement.

I do not know whether a letter addressed to the President upon a subject of this nature would of course be considered as public, and liable to inspection. Few would write freely, if that were the case. If private, I will

cheerfully communicate from time to time any information that may be in my power, and which might be of any service.

I am, sir, very respectfully, your obedient servant,

ELISHA R. POTTER.

His Excellency JOHN TYLER,

*President of the United States.*

Mr. Dorr returned to Providence this (Monday) morning with an armed escort.

(Written in pencil, in same handwriting.)

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No. 174.

*Private letter of the President to Mr. Potter.*

[Private.]

WASHINGTON, May 20, 1842.

DEAR SIR: You have my thanks for your favor of the 15th inst., and I have to request that you will write to me, without reserve, whenever anything of importance shall arise. My chief motives for desiring the adoption of the measures suggested to you—viz: a general amnesty, and a call of a convention—were, 1st. Because I felt convinced that peace and harmony would follow in their train; and, 2dly. If in this I was disappointed, the insurgents would have had no longer a pretence for an appeal to the public sympathies in their behalf. I saw nothing to degrade or to give rise to injurious reflections against the government of the State, for resorting to every proper expedient in order to quiet the disaffection of any portion of her own people. Family quarrels are always the most difficult to appease; but everybody will admit that those of the family who do most to reconcile them are entitled to the greatest favor. Mr. Dorr's recent proceedings have been of so extravagant a character as almost to extinguish the last hope of a peaceable result; and yet I cannot but believe that much is meant for effect, and for purposes of intimidation merely. I certainly hope that such may be the case, though the recent proceedings in New York may have excited new feelings and new desires. This mustering of the clans may place Governor King in a different situation from that which he occupied when I had the pleasure of seeing you. *Then*, he might have yielded with grace; whether he can do so now, is certainly a question of much difficulty, and one on which I cannot venture to express an opinion at this distance from the scene of action.

I shall be always most happy to hear from you, and your letters will never be used to your prejudice.

Accept assurances of my high respect.

JOHN TYLER.

ELISHA R. POTTER, Esq.

No. 175.

*Letter of Thomas A. Jenckes, private secretary to Governor King, enclosing the proclamation of T. W. Dorr to the people of Rhode Island.*

PROVIDENCE, May 16, 1842.

SIR: At the request of Governor King, I enclose to you an extra of the Providence Daily Express of this morning, containing the proclamation of Thomas W. Dorr to the people of this State.

It states definitely the position assumed by him and his faction against the government of this State and of the United States.

His excellency tenders to you the highest respect and consideration.

Respectfully, yours,

THOMAS A. JENCKES,  
*Private Secretary.*

TO THE PRESIDENT OF THE UNITED STATES.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

A PROCLAMATION

*By Thomas W. Dorr, Governor and commander-in-chief of the same.*

FELLOW-CITIZENS: Shortly after the adjournment of the General Assembly, and the completion of indispensable executive business, I was induced, by the request of the most active friends of our cause, to undertake the duty (which had been previously suggested) of representing in person the interests of the people of Rhode Island in other States, and at the seat of the General Government. By virtue of a resolution of the General Assembly, I appointed Messrs. Pearce and Anthony commissioners for the same purpose.

Of the proposed action of the Executive in the affairs of our State, you have been already apprized. In case of the failure of the civil posse (which expression was intended by the President, as I have been informed, to embrace the military power) to execute any of the laws of the charter Assembly, including their law of pains and penalties, and of treason, as it has been for the first time defined, the President intimates an intention of resorting to the forces of the United States to check the movements of the people of this State in support of their republican constitution recently adopted.

From a decision which conflicts with the right of sovereignty inherent in the people of this State, and with the principles which lie at the foundation of a democratic republic, an appeal has been taken to the people of our country. They understand our cause; they sympathize in the injuries which have been inflicted upon us; they disapprove the course which the national Executive has adopted towards this State; and they assure us of their disposition and intention to interpose a barrier between the supporters of the people's constitution and the hired soldiery of the United States. The democracy of the country are slow to move in any matter which involves an issue so momentous as that which is presented by the



controversy in Rhode Island; but when they have once put themselves in motion, they are not to be easily diverted from their purposes. They believe that the people of Rhode Island are in the right; that they are contending for equal justice in their political system; that they have properly adopted a constitution of government for themselves, as they were entitled to do; and they cannot, and will not, remain indifferent to any act, from whatever motive it may proceed, which they deem to be an invasion of the sacred right of self-government, of which the people of the respective States cannot be divested.

As your representative, I have been everywhere received with the most kindness and cordiality. To the people of the city of New York who have extended to us the hand of a generous fraternity, it is impossible to overrate our obligation at this most important crisis.

It has become my duty to say, that, so soon as a soldier of the United States shall be set in motion, by whatever direction, to act against the people of this State, in aid of the charter government, I shall call for that aid to oppose all such force, which, I am fully authorized to say, will be immediately and most cheerfully tendered to the service of the people of Rhode Island from the city of New York and from other places. The contest will then become national, and our State the battle-ground of American freedom.

As a Rhode Island man, I regret that the constitutional question in this State cannot be adjusted among our own citizens; but, as the minority have asked that the sword of the national Executive may be thrown into the scale against the people, it is imperative upon them to make the same appeal to their brethren of the States—an appeal which, they are well assured, will not be made in vain. They who have been the first to ask assistance from abroad, can have no reason to complain of any consequences which may ensue.

No further arrests under the law of pains and penalties, which was repealed by the General Assembly of the people at their May session, will be permitted. I hereby direct the military, under their respective officers, promptly to prevent the same, and to release all who may be arrested under said law.

As requested by the General Assembly, I enjoin upon the militia forthwith to elect their company officers; and I call upon volunteers to organize themselves without delay. The military are directed to hold themselves in readiness for immediate service.

[L. s.] Given under my hand, and the seal of the State, at the city of Providence, this 6th day of May, A. D. 1842.

THOMAS W. DORR,

*Governor and commander-in-chief of the  
State of Rhode Island and Providence Plantations.*

By the Governor's command:

WILLIAM H. SMITH, *Secretary of State.*

No. 176.

*Letter from Governor King to the President, stating that Mr. Dorr is organizing troops in other States, and calling for military aid.*

PROVIDENCE, R. I., May 25, 1842.

SIR : Since my last communication, the surface of things in this city and State has been more quiet. The complete dispersing of the insurgents, and the flight of their leader, on Wednesday last, the 18th instant, seemed to have broken their strength, and prevented them from making head openly in any quarter.

But another crisis now appears to be approaching. By the private advices received by myself and the Council, from our messengers in the neighboring States, we learn that Dorr and his agents are enlisting men, and collecting arms, for the purpose of again attempting to subvert, by open war, the government of this State. Those who have assisted him at home, in his extreme measures, are again holding secret councils, and making preparations to rally on his return. Companies of men, pledged to support him, have met and drilled in the north part of this State during the present week.

From the forces which he can collect among our own citizens, we have nothing to fear. Our own military strength has once scattered them, and could as easily do so a second time. But if the bands which are now organizing in Massachusetts, Connecticut, and New York, should make the incursion which they threaten, with Dorr at their head, we have reason to apprehend a civil war of the most destructive and vindictive character. Our own forces might be sufficient to repel them; but having little discipline, and no officer of military experience to lead them, they could not do it without the loss of many valuable lives.

For the evidence that such forces are organizing in other States, I refer your excellency to a letter from Governor Seward, of New York, and to a statement made by one of our messengers to the Council, which will be handed you. Other messengers confirm, to the fullest extent, the same intelligence.

In this posture of affairs, I deem it my duty to call upon your excellency for the support guaranteed by the constitution and laws of the United States to this government. I would submit to your excellency whether a movement of a sufficient body of troops to this quarter, to be stationed at Fort Adams, and to be subject to the requisitions of the executive of this State, whenever, in his opinion, the exigency should arise to require their assistance, would not be the best measure to insure peace and respect for the laws, and to deter invasions.

You will see by the statement of the secret agent of the government that the time set for this incursion is very near. The mustering of the insurgents, and their movement upon the city, will probably be with the greatest expedition, when once commenced—in a time too short for a messenger to reach Washington and return with aid. I therefore make this application before any movement of magnitude on their part, in order that we may be prepared, at the briefest notice, to quell domestic insurrection and repel invasion.

SAM. W. KING,  
*Governor of Rhode Island.*

TO THE PRESIDENT OF THE UNITED STATES.

No. 177.

*The President's reply to the foregoing, promising the aid required.*

WASHINGTON CITY, May 28, 1842.

SIR: I have received your excellency's communication of the 25th instant, informing me of efforts making by Mr. Dorr and others to embody a force in the contiguous States for the invasion of the State of Rhode Island, and calling upon the Executive of the United States for military aid.

In answer, I have to inform your excellency that means have been taken to ascertain the extent of the dangers of any armed invasion, by the citizens of other States, of the State of Rhode Island, either to put down her government or to disturb her peace. The apparent improbability of a violation so flagrant and unprecedented of all our laws and institutions, makes me, I confess, slow to believe that any serious attempts will be made to execute the designs which some evil-minded persons may have formed.

But, should the necessity of the case require the interposition of the authority of the United States, it will be rendered in the manner prescribed by the laws.

In the mean time, I indulge the confident expectation, founded upon the recent manifestations of public opinion in your State in favor of law and order, that your own resources and means will be abundantly adequate to preserve the public peace, and that the difficulties which have arisen will be soon amicably and permanently adjusted, by the exercise of a spirit of liberality and forbearance,

JOHN TYLER.

His Excellency Governor KING.

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No. 178.

*Letter of the Secretary of War to Colonel Bankhead.*

WAR DEPARTMENT, May 28, 1842.

SIR: The Governor of Rhode Island has represented to the President that preparations are making by Mr. Dorr, and some of his adherents, to recruit men in the neighboring States, for the purpose of supporting his usurpation of the powers of government, and that he has provided arms and camp equipage for a large number of men. It is very important that we should have accurate information on this subject, and particularly in relation to the movements made in other States. I have therefore to desire you to employ proper persons to go to the places where it may be supposed such preparations are making, to possess themselves fully of all that is doing and in contemplation, and report frequently to you. It is said that Mr. Dorr's principal headquarters are at the town of Thompson, in the State of Connecticut. It may be well for you to communicate personally with Governor King, and ascertain from him the points and places at which any preparations for embodying men are supposed to be making, and to direct your inquiries accordingly.

It is important that you should select persons on whose integrity and accuracy the fullest reliance can be placed. They should not be partisans



on either side ; although, to effect the object, it will of course be necessary that some of them should obtain (if they do not already possess) the confidence of the friends of Mr. Dorr. You will please communicate directly to me all the information you obtain, and your own views of it.

It is scarcely necessary to say that this communication is of the most private and confidential character, and is not to be made known to any one.

Respectfully, your obedient servant,

J. C. SPENCER.

Col. BANKHEAD, *Newport, R. I.*

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No. 179.

*Letter of J. C. Spencer to Gen. Eustis.*

WAR DEPARTMENT, *May 29, 1842.*

SIR : The Governor of Rhode Island has represented to the President that preparations are making in other States (particularly in Massachusetts) for an armed invasion of that State, to support the usurpations of Mr. Dorr and his friends, and foment domestic insurrection. It is very important that we should have accurate information on this subject ; and I have to desire you to take all necessary means to acquire it, and communicate directly to me, as speedily and frequently as possible. It is said that 1,000 stand of arms have been procured in Boston, some pieces of artillery, and a large quantity of camp equipage, for the use of the insurgents. Your attention to this is particularly desired to ascertain its truth or falsehood. It is also said that there are 200 men enrolled and embodied in a town upon the borders of Rhode Island, the name of which has escaped me. Please inquire into this. If it becomes necessary to employ confidential persons to discover what is doing, you will do so—being careful to select those only that are entirely trustworthy ; and it will be desirable to avoid heated partisans on either side. Their inquiries should be conducted quietly and privately.

I desire you to communicate fully and freely what you may learn, and your views concerning it, for the information of the President and the department.

It is scarcely necessary to say that this communication is strictly private and confidential.

Respectfully, your obedient servant,

J. C. SPENCER.

Brig. Gen. EUSTIS, *Boston.*

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No. 180.

*Instructions of the President to the Secretary of War.*

The Secretary of War will issue a private order to Colonel Bankhead, commanding at Newport, to employ, if necessary, a private and confidential person or persons to go into all such places, and among all such persons, as

he may have reason to believe to be likely to give any information touching Rhode Island affairs, and to report with the greatest despatch, if necessary, to the President. He will also address a letter to General Wool, conveying to him the fears entertained of a hostile invasion contemplated to place Dorr in the chair of State of Rhode Island, by persons in the States of Connecticut and New York; and also to General Eustis, at Boston, of a similar character; with instructions to adopt such inquiries (to be secretly made) as they may deem necessary, and to report with the greatest despatch all information which from time to time they may acquire.

(Endorsed "President's instructions, May 28, 1842.")

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No. 181.

*Letter of the President to the Secretary of War.*

WASHINGTON, June 29, 1842.

SIR: From the official communication of Colonel Bankhead to you, this day laid before me, it is evident that the difficulties in Rhode Island have arrived at a crisis which may require a prompt interposition of the Executive of the United States to prevent the effusion of blood. From the correspondence already had with the Governor of Rhode Island, I have reason to expect that a requisition will be immediately made by the government of that State for the assistance guarantied by the constitution to protect its citizens from domestic violence. With a view to ascertain the true condition of things, and to render the assistance of this Government (if any shall be required) as prompt as may be, you are instructed to proceed to Rhode Island; and, in the event of a requisition being made upon the President, in conformity with the laws of the United States, you will cause the proclamation herewith delivered to be published. And should circumstances, in your opinion, render it necessary, you will also call upon the Governors of Massachusetts and Connecticut, or either of them, for such number and description of the militia of their respective States as may be sufficient to terminate at once the insurrection in Rhode Island; and, in the mean time, the troops in the vicinity of Providence may with propriety be placed in such positions as will enable them to defend that city from assault.

JOHN TYLER.

The SECRETARY OF WAR.

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No. 182.

*Proclamation by the President of the United States to the people of Rhode Island.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the legislature of the State of Rhode Island has applied to the President of the United States, setting forth the existence of a dangerous

insurrection in that State, composed partly of deluded citizens of the State, but chiefly of intruders of dangerous and abandoned character coming from other States, and requiring the immediate interposition of the constitutional power vested in him to be exercised in such cases, I do issue this my proclamation, according to law, hereby commanding all insurgents, and all persons connected with said insurrection, to disperse and retire peaceably to their respective abodes within twenty-four hours from the time when this proclamation shall be made public in Rhode Island.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and signed the same with my hand.

Done at the city of Washington, this \_\_\_\_\_ day of \_\_\_\_\_, in the year [L. S.] of our Lord one thousand eight hundred and forty-two, and of the independence of the United States the sixty-sixth.

JOHN TYLER.

By the President :

DANIEL WEBSTER,  
*Secretary of State.*

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No. 183.

*Letter of Daniel Webster, Secretary of State, to the President, enclosing an anonymous letter of the same date.*

NEW YORK, June 3, 1842.

MY DEAR SIR: I came to this city yesterday, having taken a severe cold on the Sound, and am now just out of my bed. I transmit, herewith, a letter from ———, a friend appointed by me, as you requested, to look into the Rhode Island business. Mr. ——— has had access to authentic sources in Governor Dorr's party, and I have no doubt his account of the whole matter is perfectly just. I supposed I should receive the foreign mail here; but I shall not wait for it, if I should feel well enough to travel to-morrow.

Yours, truly,

DANIEL WEBSTER.

To the PRESIDENT.

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[Private.]

NEW YORK, June 3, 1842.

DEAR SIR: In pursuance of the arrangement made when you were in Boston, I have visited the State of Rhode Island, and, so far as could be done, possessed myself of a knowledge of the existing state of things there. I had a full and free interview with Governor King and his council, as well as with several other gentlemen upon each side of the matter in controversy. All agree that, so far as the people of Rhode Island are concerned, there is no danger of any further armed resistance to the legitimate authorities of the State. It was never intended, probably, by the majority of those called the suffrage party, to proceed, in any event, to violence; and when they found themselves pushed to such an extremity by their



leaders, they deserted their leaders, and are now every day enrolling themselves in the volunteer companies, which are being organized in every part of the State for the suppression of any further insurrectionary movements that may be made. A large majority of those elected or appointed to office under the people's constitution, (so called,) have resigned their places, and renounced all allegiance to that constitution and the party which supports it; so that the insurgents are now without any such organization as would enable them to carry out their original purposes, if they otherwise had the power.

Governor King and his council alone, of all the intelligent persons with whom I have consulted, fear an irruption upon them of an armed force to be collected in other States; and this is the only difficulty of which they now have any apprehension. This fear is excited by the boasts, frequently made by the few who still avow their determination to adhere to the constitution, that they have at their control large bodies of armed men, as well as camp equipage, provisions, money, and munitions of war, which have been provided for them in Massachusetts, Connecticut, and New York. The supposition that Rhode Island is to be invaded by a foreign force, when that force would neither be led nor followed by any considerable number of the people of the State, does not seem (to say the least) to be a very reasonable one. If those who think they are suffering injustice are not disposed to make an effort to redress their supposed wrongs, they would hardly expect the work to be done by others.

The ostensible object of the insurgents now, is not the real one. They meditate no further forcible proceedings. They bluster and threaten for several reasons :

1st. Because they suppose they shall thus break their fall a little, and render their retreat a little less inglorious than it would be if they should beat it at once.

2d. They believe that if they keep up a show of opposition to the existing government, they shall be more likely to revolutionize it by peaceable measures; and

3d. They think they can make their influence so far felt, as to operate favorably upon those who are now under arrest for treason, or who may be hereafter arrested for the same offence.

That these are the views and purposes of the insurgents, I am confidentially assured by the notorious individual from whom, I told you, I could learn their plans and designs; and no one has better means of knowing than he, having been himself one of Mr. Dorr's confidential advisers from the beginning.

The meeting at Woonsocket, on the 1st, did not amount to much, being but thinly attended. The projected fortifications at that place have been abandoned. It is said they will be thrown up in some other spot, to be designated hereafter; but this is not believed.

Mr. Dorr is now understood to be lurking in this city. Warrants have been issued for his arrest, both by the Governor of this State and the Governor of Massachusetts; but he moves so privately, and shifts his whereabouts so often, that he eludes his pursuers.

Under all the circumstances, I think you will come to the opinion entertained by seven-eighths of all the people of Providence, (the scene of his operations thus far,) that, deserted by his followers at home, and disgraced

in the estimation of those who sympathized with him abroad, Mr. Dorr has it not in his power to do any further serious mischief.

Yours, very truly,

Hon. DANIEL WEBSTER,  
*Secretary of State.*

No. 184.

*Letter of Colonel Bankhead to the Secretary of War.*

PROVIDENCE, R. I., June 22, 1842.

SIR: When I last had the honor to write to you, I felt confident that there would be no further disturbance of the peace in this State. Governor King was of the same opinion. But I now fear, from strong indications, that Mr. Dorr and his party are determined to enter the State in force; and that, in a few days, serious difficulties will arise.

On my arrival here this morning from Newport, on my way to New York, I learned from undoubted authority that several large boxes of muskets, supposed to contain about eighty, were received the evening before last, at Woonsocket, from New York; that several mounted cannon had also been received there, and forwarded on to Chepachet; that a number of men, not citizens of the State, with arms, were in and about Woonsocket and Chepachet; that forty-eight kegs of powder were stolen on Sunday night last from a powder-house in this neighborhood; and that Dorr, with about twenty men, landed last evening at Norwich.

An unsuccessful attempt was made, two nights ago, to steal the guns of the artillery company at Warren, and at several other places where guns had been deposited by the State, by some of Dorr's men—one of whom has been identified and arrested.

It has been observed, for several days past, that many of the suffrage party, and residents of this city, have been sending off their families and effects. The inhabitants of the city are seriously alarmed, and in a state of much excitement. An express to convey the above intelligence to Governor King, at Newport, will be immediately sent down by the mayor of the city.

I shall be in New York early to-morrow morning, ready to receive any instructions you may think proper to honor me with.

I have been compelled to write this in haste.

I am, sir, with great respect, your obedient servant,

JAS. BANKHEAD,  
*Colonel 2d Regiment of Artillery.*

Hon. J. C. SPENCER,  
*Secretary of War.*

No. 185.

*Letter of E. J. Mallett to the Postmaster General.*

JUNE 26, 1842.

DEAR SIR: The rumor of this morning I have ascertained to be a fact—that 48 kegs of *gunpowder* were stolen from a private magazine last night.

In haste, respectfully,

E. J. MALLET.

Hon. C. A. WICKLIFFE.

No. 186.

*Letter of Thomas M. Burgess, mayor of Providence, to the President.*

CITY OF PROVIDENCE,  
Mayor's Office, June 23, 1842.

SIR: Governor King having gone to Newport this afternoon, has requested me to forward his letter to your excellency, with such depositions as I could procure concerning the state of affairs in the north part of the State. These documents will be taken on by the Hon. William Sprague, our Senator, who intends leaving to-night for Washington. Should any accident prevent Mr. Sprague from going, I shall forward them to be put in the mail. I enclose the depositions of Messrs. Samuel W. Peckham and Charles J. Harris. Messrs. Keep and Shelley, whom I sent out, have just returned. If I can get their depositions in time, I shall also forward them.

About 11 a. m., this day, a body marched from Woonsocket to Chepachet, amounting to 90 men, and other small bodies are marching in that direction; so that I suppose that about 400 will be concentrated at Chepachet this evening.

In this city there is much excitement, but no symptoms, as yet, of men gathering with arms. There are many who, I fear, will be ready to join in any mischief, should Dorr's forces approach us. Up to 8 o'clock this morning Mr. Dorr was in Connecticut, but a gentleman from Chepachet informs me his friends expect him this day.

I remain, with great respect, your obedient servant,

THOMAS M. BURGESS, Mayor.

To the PRESIDENT OF THE UNITED STATES.

No. 187.

*Letter of Governor King to the President.*

EXECUTIVE DEPARTMENT,  
Providence, June 23, 1842.

SIR: After my last communication, the excitement and military operations of the insurgents against the government of this State appeared to



subside, and I indulged hopes that no open violence would be attempted, but that they were disposed to await the action of the General Assembly, now in session at Newport. I regret that I am obliged to inform your excellency that, within a few days past, appearances have become more alarming. Several iron cannon have been stolen from citizens of Providence; and during the night of the 19th, a powder-house, owned by a merchant of Providence, was broken open, and about twelve hundred pounds of powder stolen therefrom. Yesterday the military operations of the insurgents became more decided in their character. At Woonsocket and Chepachet there were gatherings of men in military array, pretending to act under the authority of Thomas W. Dorr. They established a kind of martial law in those villages; stopped peaceable citizens in the highways; and at Chepachet four citizens of Providence were seized by an armed force, pinioned, and compelled to march about ten miles, under a guard of about forty men, to Woonsocket, where they were cruelly treated, under pretence of being spies. The insurgents are provided with cannon, tents, ammunition, and stores.

It is ascertained that Thomas W. Dorr has returned from the city of New York to the State of Connecticut, and I have reason to believe he will be at Chepachet this day, where he will concentrate what forces he has already under arms, with such others as he can collect. Those already assembled are composed of citizens of other States, as well as of our own, and are variously estimated at 500 to 1,000 men.

I have this morning had an interview with Colonel Bankhead, who will communicate to the War Department such facts as have come to his knowledge.

I would further state to your excellency, that in those villages, and their vicinity, the civil authority is disregarded and paralyzed.

Under these circumstances, I respectfully submit to your excellency that the crisis has arrived when the aid demanded by the Legislature of the State from the Federal Government is imperatively required, to furnish that protection to our citizens from domestic violence, which is guarantied by the constitution and laws of the United States.

I confidently trust that your excellency will adopt such measures as will afford us prompt and efficient relief.

I remain, with great consideration, your obedient servant,

SAMUEL W. KING.

His Excellency JOHN TYLER,  
*President of the United States.*

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No. 188.

*Letter of the President in reply.*

WASHINGTON, June 25, 1842.

SIR: Your letter of the 23d instant was this day received by the hands of Gov. Sprague, together with the documents accompanying the same. Your excellency has unintentionally overlooked the fact that the legislature of Rhode Island is now in session. The act of Congress gives, to the Executive of the United States no power to summon to the aid of the State the

military force of the United States, unless an application shall be made by the legislature, if in session; and that the State executive cannot make such application, except when the legislature cannot be convened. (See act of Congress, February 28, 1795.)

I presume that your excellency has been led into the error of making this application, (the legislature of the State being in session at the date of your despatch,) from a misapprehension of the true import of my letter of 7th May last. I lose no time in correcting such misapprehension, if it exist.

Should the legislature of Rhode Island deem it proper to make a similar application to that addressed to me by your excellency, their communication shall receive all the attention which will be justly due to the high source from which such application shall emanate.

I renew to your excellency assurances of high consideration.

J. TYLER.

Governor KING.

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No. 189.

*Depositions of Samuel W. Peckham, Charles F. Harris, Charles J. Shelley, and John C. Keep.*

I, Samuel W. Peckham, of Providence, in the county of Providence, State of Rhode Island, on oath, depose and say: On the evening of 22d of June, at the request of Edward Carrington, one of the executive council, I went, in company with Charles F. Harris, to the village of Chepachet, to see what movements, if any, were making by the insurgents, and to report the same to the Governor and Council. We arrived at the edge of the village just before 2 o'clock on the morning of the 23d instant. As we came to the corner turning down into the village, we observed a man on horseback approaching us, who wheeled round, and went in an opposite direction. We had not proceeded far, when some one hailed: "Who comes there?" Harris answered, "a friend." The man who hailed, or his companion, approached us, and said, "two damned landholders," and said something about spies. This man appeared to be one of an armed company of about 30 men, a part of whom were directly in front of us. We were ordered to get out of the carriage, and asked if we had any arms, and were compelled to give up a pair of small pocket pistols. We were then ordered to place ourselves between the files of the company of armed men, and were marched up into the village to a barn, where we found other men engaged in binding the arms of two others, (Messrs. Keep and Shelley,) who were bound to Killingly, Conn. These gentlemen belong in Providence, and are members of the National Cadet company. They told us that they were seized as they were hitching their horse under a shed. After Shelley and Keep were pinioned, the men ordered that we should be served likewise; the cord being passed across each arm, and drawn tight just above the elbow. When the man was tying Harris, he kicked him severely several times, and swore at him. Having secured the four in this manner, we were placed in the midst of the armed body of men, followed by a large cannon drawn by two horses, with the muzzle pointed in the rear, and marched to Woonsocket Falls, a distance of twelve miles. During the first half of the march, the men seemed

to be in great haste, expecting, as they said, 800 men would overtake them from Providence. Mr. Shelley, being a fleshy man, and subject to attacks of pleurisy, could not walk so fast as the party, and they repeatedly pricked him with a bayonet. When about half the distance between Chepachet and Woonsocket, the cords about our arms were loosened, being so very tight that Mr. Keep's hands were black and blue. We arrived in Woonsocket before 6 o'clock this morning, and were carried to a hill on the western side of the village, near the spot where appeared to be the headquarters of the insurgents. We drew up in line, and the cannon was discharged two or three times; and there seemed to be between two and three hundred of the insurgents who had exclusive possession of this part of the village. Previous to our entry, the cannon, before referred to, had been discharged of its contents. After remaining on this hill about half an hour in the wet grass, Major Allen (as he was called) invited us down into a barn into the village, which seemed to be used by the insurgents as an arsenal. I should have mentioned that Mr. Shelley having become so much exhausted during the march, they were compelled to put him into their wagon containing their ammunition. In this barn men were employed making cartridges for guns; and also observed there musket cartridges and kegs, which contained powder. Seeing some hay in the loft, we climbed up there and lay down. Several of the men came up and conversed with us.

B. G. West, one of the company who escorted us from Chepachet, came and said that we would probably be released, as the suffrage party were dissatisfied somewhat with the movement. About half-past 8 o'clock this morning we were released, they having previously given us some coffee and pie. The officers appeared to be anxious to get us out of the way of their men, and asked if we did not wish a guard to get through the village, intimating that we might be recaptured. During the conversation with West, he told us that there would be 2,000 men in Woonsocket and Chepachet before sunset; some of them were on their way. He also said that five cannon were expected from New York, and that the insurgents had selected a site for a fortification. When on the hill in Woonsocket, we were insulted by the men and boys. West said that nothing short of putting out the "people's constitution" (so called) would satisfy Dorr and his party, and also the repeal of the Algerine law, (so called;) and from the declarations and movements of West, and the men associated with him, it is their determination to maintain their constitution, or die in the attempt.

While on the road, Mr. Shelley asked for water, and they refused him.

SAMUEL W. PECKHAM.

PROVIDENCE, ss:

In Providence, this 23d day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN, *Justice Peace.*

I, Charles F. Harris, of Providence, in the county of Providence, on oath depose and say: Having just read the deposition of Samuel W. Peckham, I fully confirm all the statements made by him. In addition thereto, I would state, that, in passing from Chepachet to Woonsocket, we met a doctor, as the men called him: I supposed him to be a Doctor Ballou, who lives in Woonsocket. He stopped his sulkey, and the officers came about



him. They had some conversation, (a part of which I heard,) to this effect. The doctor said, "We have five cannon at Chepachet;" and one of the officers (Allen, I think it was) said, "Send them over with horses;" to which he replied, "I will." I heard West say that Dorr was coming to Rhode Island, and would lay his bones here, and would not be driven out of it again by any one. I have been in many distant parts of this country, and have seen the worst descriptions of men; but I must add, that a more desperate and blood thirsty gang I never met with, than those who escorted us from Chepachet to Woonsocket.

CHARLES F. HARRIS.

PROVIDENCE, ss:

In Providence, this 23d day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN, *Justice Peace.*

I, Charles J. Shelley, of Providence, in the county of Providence, on oath depose and say: The facts as given in the deposition of Mr. Peckham are all true, from the time I fell in with Mr. Peckham at Chepachet. And in addition to what Mr. Peckham has stated, I would say, I left Woonsocket, after being released, at half-past ten o'clock this morning. I went to Chepachet, where my carriage was, in company with a Mr. Chase. From 80 to 100 armed men, commanded by West and Allen, (as referred to in Mr. Peckham's deposition,) started from Woonsocket for Chepachet, and, on the road, the number increased to some 300. We arrived in Chepachet, took our horse and carriage, and started for Providence, where we arrived safe and exhausted. At the place of rendezvous I observed a number of wagons filled with calves and lambs.

CHARLES J. SHELLEY.

I, John C. Keep, of Providence aforesaid, on oath depose and say: That all the facts as stated by Messrs. Peckham, Harris, and Shelley, are strictly true; and, in addition to their statements, I would say, that after we were released, I rode on a wagon to Chepachet, (where we had left our horse and carriage,) with Mr. Read, one of the officers commanding the insurgents. Read said that if the legislature, at its present session, should extend suffrage, it would make no difference to them; they should still go on, and nothing short of their constitution would satisfy them. They expected a force of 2,000 collected within 48 hours. Their determination was to come to Providence, send a flag of truce, and, if not obeyed, to bombard the city; that they should keep enough of their men to set fire to the city. I saw among the insurgents' ranks men whom I knew to belong to the city of New York. Read also said that, at a private signal given, men would come to their assistance from Connecticut. A more desperate set of men I never before fell in with.

JOHN C. KEEP.

PROVIDENCE, ss:

In Providence, this 23d day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN, *Justice of the Peace.*

No. 190.

*Letter of Lieutenant E. D. Townsend to the Secretary of War.*

NEW YORK, June 23, 1842.

SIR: Colonel Bankhead has instructed me to inform you that, while on his way to New York, yesterday, he was met at Stonington by the Governor of Rhode Island, who had crossed over from Newport, for the purpose of communicating with him.

After this interview, Colonel Bankhead resolved to return to Newport. He ordered me to give you this information, having stated in his letter of yesterday that he should be at New York this morning, and not having time before the boat left Stonington to write you himself.

With great respect, I am your obedient servant,

E. D. TOWNSEND,

1st Lieut., Adjutant 2d Artillery.

Hon. JOHN C. SPENCER,  
*Secretary of War.*

No. 191.

*Letter of Colonel James Bankhead to the Secretary of War.*

PROVIDENCE, R. I., June 23, 1842.

SIR: I addressed you yesterday afternoon, in great haste, that my letter might go by the mail, (then about being closed,) to inform you of the sudden change in the aspect of affairs in this State; and also to inform you that I should be this morning at Governor's island, New York.

At the urgent solicitation of Governor King, who crossed over from Newport to Stonington to intercept me on the route, I returned last night to this place from Stonington, having proceeded so far on my way to New York.

In addition to what I stated in my letter yesterday, I learn from Governor King, (who has just called on me,) that four citizens of this city, who had gone to Chepachet to ascertain what was going on there, were arrested as spies, by the insurgents, bound, and sent last night to Woonsocket, where they were confined when his informant left there, at 8 o'clock this morning; also that martial law had been proclaimed by the insurgents at Woonsocket and Chepachet, and no one was allowed to enter or depart from either place, without permission.

The citizens of this city are in a state of intense excitement.

I shall return to morrow to Newport, to await any instructions you may be pleased to favor me with.

I have the honor to be, sir, with great respect, your obedient servant,

JAS. BANKHEAD,

Colonel 2d Reg't Artillery.

Hon. JOHN C. SPENCER,  
*Secretary of War.*

*Letter of Colonel James Bankhead to the Adjutant General of the United States.*

PROVIDENCE, R. I., June 23, 1842.

SIR: I left Newport yesterday morning, to return to Fort Columbus, with the belief that my presence could no longer be necessary for the purpose I had been ordered there for. The legislature was in session, and, as I was well assured, determined honestly and faithfully to adopt measures to meet the wishes of the citizens of this State, to form a constitution on such liberal principles as to insure full satisfaction to all patriotic and intelligent men, who had any interest in the welfare of the State. The well-known intention of the legislature, in this respect, would, I hoped and believed, reconcile the factions and produce tranquillity. But the aspect of affairs has suddenly become more threatening and alarming. There is an assemblage of men at Woonsocket and Chepachet, two small villages (say fifteen miles distant hence) on the borders of Connecticut, composed principally of strangers, or persons from other States. They have recently received seventy-five muskets from Boston, and eighty from New York, in addition to former supplies. They have also several mounted cannon and a large quantity of ammunition; forty-eight kegs of which they stole from a powder-house, not far distant from this—the property of a manufacturer of powder. Dorr, it is supposed, joined his party at one of the abovenamed places the night before last; he has certainly returned from New York, and passed through Norwich. His *concentrated* forces are variously estimated at from five hundred to a thousand men.

I had proceeded thus far yesterday afternoon, on my return to New York, and had taken my seat in the cars for Stonington, when an express from Governor King, who was at Newport, overtook me, to request that I would not leave the State;—too late, however, for me then to stop here, as the cars were just moving off. On getting to Stonington, I there found Governor King, who had crossed over from Newport to intercept me; and, at his solicitation, I at once returned with him last night, in an extra car, to this place. Not then having a moment's time to write you, as the steamboat left immediately on the arrival of the cars at Stonington, I sent my adjutant en in the boat, with directions to report to you the fact and the cause of my return.

I had written thus far, when the Governor called on me, and has informed me that four citizens of this State, who had gone to Chepachet to ascertain the exact state of affairs there, were arrested as spies, bound, and sent last night to Woonsocket, where, two hours ago, they were still in confinement. Martial law has been declared in Chepachet and Woonsocket, and no one allowed to enter or depart without permission. I yesterday afternoon wrote to the Secretary of War, (as I had been directed,) in great haste, however, to send by the mail, to inform him of the sudden change in the aspect of affairs here; in which letter I stated that I should be at Governor's island this morning. As I, of course, then did not contemplate to the contrary, I beg you will do me the favor to acquaint him with the cause of my return.

I can only add, that the citizens of this place are in a state of intense anxiety and excitement. I remain here to-day, at the special request of



several who have just left me. To-morrow I shall return to Newport, to await any communication from you.

I am, sir, very respectfully, your obedient servant,

JAS. BANKHEAD,  
*Colonel 2d regiment of artillery.*

Brigadier General R. JONES,  
*Adjutant General U. S. army.*

No. 193.

*Letter from same to same.*

PROVIDENCE, R. I., June 27, 1842.

SIR: As there was no mail yesterday from this, I could make no report to the Major General commanding, of the military movements in this quarter up to that time. Since my last letter to you, most of the volunteers and other military companies called out by the Governor have assembled here, to the amount of about 2,000 men. The force of the insurgents, under the immediate direction of Mr. Dorr, and concentrated at Chepachet, is estimated at from 800 to 1,000 men armed with muskets, about fifteen hundred without arms, and 10 or 12 cannon mounted.

It seems to be impossible to avoid a conflict between the contending parties, without the interposition of a strong regular force.

The State force here can defend this city, and it might successfully attack the insurgent force at Chepachet; but there would be danger in leaving the city without adequate means of protection to it, as there is, doubtless, a large number within the city with concealed arms, ready to commence hostilities.

The position taken by Dorr's troops at Chepachet is naturally strong, and has been much strengthened by intrenchments, &c.; it would, therefore, be highly imprudent to make the attack, even if no secret foes were left behind within the city, without a positive certainty of success; and, with the aid of a few disciplined troops, a defeat there would be ruinous and irreparable.

A force of 300 regular troops would insure success, and probably without bloodshed.

I am, sir, very respectfully, your obedient servant,

JAS. BANKHEAD,  
*Colonel 2d regiment of artillery.*

[The above letter was addressed to Brigadier General R. Jones, Adjutant General U. S. army.]

No. 194.

*Communication signed by James F. Simmons, William Sprague, and Joseph L. Tillinghast, addressed to the President, urging him to comply with Governor King's requisition.*

WASHINGTON, June 27, 1842.

SIR: The intelligence from Rhode Island, since the call was made on you by the Senators from that State, is of a character still more serious and

urgent than that then communicated to you by Mr. Sprague, who was charged with communications to your excellency from Governor King. We are informed that a requisition was made upon the Government of the United States by the Governor of Rhode Island, pursuant to resolutions passed by the General Assembly of that State, when in session in May last, calling for a proclamation against those engaged in an armed rebellion against the government of Rhode Island, and for military aid in suppressing the same; that your excellency replied to Governor King, that, in the opinion of the Executive, the force arrayed against the government of the State was not then such as to warrant immediate action on his part; but that your excellency, in your reply, proceeded to say "if an exigency of lawless violence shall actually arise, the Executive Government of the United States, on the application of your excellency, under the authority of the resolutions of the legislature already submitted, will stand ready to succor the authorities of the State in their efforts to maintain a due respect for the laws." Whereby it was understood that, in the event of the assembling of such an armed force as would require the interference contemplated by the constitution and laws of the United States, the Executive of the United States, upon being duly notified of the fact by the Governor of the State, would act upon the requisition already made by the legislature, without further action on the part of that body.

We understand that, upon this notice being given through the communications handed you by Mr. Sprague on Saturday, containing proof of the existence and array of a large body of armed men within the State of Rhode Island, who had already committed acts of lawless violence, both by depredating largely upon property in various parts of the State, and by capturing and confining citizens, as well as owning and manifesting a determination to attack the constituted authorities, you considered that it was desirable that this communication should have been accompanied with a further resolution of the General Assembly authorizing the Governor to act in this instance, from the fact that the Assembly was then in session by adjournment.

It is the purpose of this communication respectfully to state that we conceive the existing circumstances call for the immediate action of the Executive, upon the information and papers now in its possession.

The meeting of the legislature, during the last week, was by adjournment; it is in law regarded as the May session of the General Assembly, and can be regarded in no other light than if it had been a continuous session of that body, held from day to day by usual adjournments. Had this last been the case, it cannot be conceived that new action on its part would have been required to give notice of any movements of hostile forces, engaged in the same enterprise which was made known to the Executive by its resolutions of May last.

Our intelligence authorizes us to believe that a multitude of lawless and violent men, not citizens of Rhode Island, but inhabitants of other States, wickedly induced by pay and by hopes of spoil, and perhaps instigated also by motives arising from exasperation, on the part of their instigators and of themselves, at the course heretofore indicated in this matter by the Executive Government of the Union, have congregated themselves, and are daily increasing their numbers, within the borders of our State, organized, armed, and arrayed in open war upon the State authorities, and ready to be led, and avowedly about to be led, to the attack of the principal city of the

State, as part of the same original plan to overthrow the government; and that, in the prosecution of this plan, our citizens have reason to apprehend the most desperate and reckless assaults of ruffianly violence upon their property, their habitations, and their lives.

We beg leave to refer you, in addition, to a letter which we understand was received yesterday by General Scott from Colonel Bankhead, detailing some information in his possession.

We therefore respectfully request an immediate compliance, on the part of the Executive, with the requisition communicated in the papers from Governor King, as the most effectual, and, in our opinion, the only measure that can now prevent the effusion of blood and the calamities of intestine violence, if each has not already occurred.

We are, with the highest respect, your excellency's obedient servants,

JAMES F. SIMMONS.

WM. SPRAGUE.

JOSEPH L. TILLINGHAST.

THE PRESIDENT OF THE UNITED STATES.

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No. 195.

*Communication of the President to the Secretary of War, instructing him to proceed to Rhode Island.*

WASHINGTON, June 29, 1842.

SIR: From the official communication of Colonel Bankhead to you, this day laid before me, it is evident that the difficulties in Rhode Island have arrived at a crisis which may require a prompt interposition of the Executive of the United States to prevent the effusion of blood. From the correspondence already had with the Governor of Rhode Island, I have reason to expect that a requisition will be immediately made by the Government of that State for the assistance guaranteed by the constitution to protect its citizens from domestic violence. With a view to ascertain the true condition of things, and to render the assistance of this Government (if any should be required) as prompt as may be, you are instructed to proceed to Rhode Island, and, in the event of a requisition being made on the President in conformity with the laws of the United States, you will cause the proclamation herewith delivered to be published. And should circumstances in your opinion render it necessary, you will also call upon the Governors of Massachusetts and Connecticut, or either of them, for such number and description of the militia of their respective States as may be sufficient to terminate at once the insurrection in Rhode Island. And, in the mean time, the troops in the vicinity of Providence may with propriety be placed in such positions as will enable them to defend that city from assault.

JOHN TYLER.

THE SECRETARY OF WAR.



No. 196.

*Depositions of Charles T. Martin, John F. Pond, and William S. Slater.*

I, Charles T. Martin, of Providence, in the county of Providence and State of Rhode Island, on oath depose and say: By request of the Governor and Council, on the night of June 23d I went as a scout towards Chepachet village. We proceeded as far as we could, until we met a line of sentries about two miles this side of the village. We turned about and gathered all the information we could, from persons who had been in the village. We learned that there were four boxes of muskets just arrived. The force of the insurgents was estimated at that time to be 500, under command of one Isaac B. Allen. They had collected, among other things, 200 bushels of potatoes, which were sold to Amasa Eddy, jr., the Lieutenant Governor under the people's constitution, by our informant. He also said that they had collected beef and other provisions. Just before daylight this morning, while at a tavern some three miles from Chepachet, a man came up the road with a gun, and we went out and hailed him, and he immediately aimed his gun. We heard steps behind us, and looked round, and some half dozen men with guns came up and ordered us to make off, at the same time their guns all cocked and aimed at us, and threatened to shoot if we did not retire. We stood in line—that is, Messrs. Pond, Hartshorn, Kendall, and myself, who all went in company. We drew our pistols, and determined to exchange shots, and, after some consultation among themselves, the rebels concluded to pass on.

CHAS. T. MARTIN.

PROVIDENCE, ss:

In Providence, this 24th day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN,

*Justice of the Peace.*

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I, John F. Pond, of Providence, in the county of Providence and State of Rhode Island and Providence Plantations, of lawful age, depose and say: That I went out as one of a scout, with Charles T. Martin, Hartshorn, and Kendall; and I confirm all the statements made by Mr. Martin, except as to the distance at which we were from Chepachet; being more familiar with the road, I should say we did not go within four and a half miles from the village.

JOHN F. POND.

PROVIDENCE, ss:

In Providence, this 24th day of June, A. D. 1842, subscribed and sworn to before me,

HENRY L. BOWEN,

*Justice of the Peace.*

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I, William S. Slater, of Providence, in the county of Providence and State of Rhode Island, of lawful age, depose and say: On the 24th of June,

being in company with Edward D. Pierce, who had professional business with Colonel Samuel Y. Atwell, I went to the village of Chepachet. When I arrived near Mr. Atwell's house, I observed a guard of 30 men, and drove up to Mr. Atwell's house. Immediately the guard closed up, and the captain directed them to take myself and companion prisoners. They escorted us to the tavern, where a room was provided, the door locked, and a sentinel placed over us. Being satisfied, after some detention, that we had come to see Mr. Atwell on private business, we were released.

The insurgents have selected a high hill just at the entrance of the village for an encampment, and are now engaged in raising embankments. It is a formidable position, and their forces are increasing constantly. We were told that Dorr was expected there to morrow to review the troops, and that an accession of strength is expected daily.

WM. S. SLATER.

CITY OF PROVIDENCE, ss :

Then personally appeared before me William S. Slater, and made oath to the preceding deposition by him signed.

THO. M. BURGESS,  
*Mayor of the city of Providence.*

JUNE 24, 1842.

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No. 197.

*Statement showing the number of United States troops stationed at Fort Adams, during the months of April, May, June, and July, 1842.*

In April, the regular garrison of Fort Adams consisted of two companies of artillery—10 officers and 109 enlisted men. Aggregate	- 119
May 2d, the garrison was reinforced by two companies of artillery from Fort Columbus, making four in all, and consisting, at the end of May, of 21 officers and 251 enlisted men. Aggregate	- 302
June 17th, two companies left the post; and June 20th, one company (of mounted artillery) joined; making the garrison, at the end of the month, three companies of artillery, consisting of 13 officers and 177 enlisted men. Aggregate	- 190
July 2d, one company of mounted artillery joined the post, making four companies in all, (two mounted,) consisting, at the end of the month, of 22 officers and 247 enlisted men. Aggregate	- 269

ADJUTANT GENERAL'S OFFICE,

April 8, 1844.

L. THOMAS,  
*Assistant Adjutant General.*

No. 198.

*Assistant Adjutant General to Major M. M. Payne.*

[Confidential.]

HEADQUARTERS OF THE ARMY,  
*Adjutant General's Office, Washington, April 11, 1842.*

SIR: If there be a depot of arms and ammunition belonging to the United States at Fort Wolcott, or other exposed position in the vicinity of Fort Adams, Major General Scott wishes you to take measures, quietly, to prevent such depot from being seized by improper persons. Not being at his office, he has no means of *inquiring* or ascertaining, at the moment, whether there be such depot, and whether you have a guard at Fort Wolcott.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Assistant Adjutant General.*

Major M. M. PAYNE, *Commanding, &c. &c.,*  
*Fort Adams, Rhode Island.*

No. 199.

*Assistant Adjutant General to Colonel A. C. W. Fanning.*

[Confidential.]

HEADQUARTERS OF THE ARMY,  
*Adjutant General's Office, Washington, April 25, 1842.*

SIR: I am instructed by Major General Scott to direct that you will immediately cause two of the companies of your garrison to be filled up with effective men out of the 3d, and embark the former, as soon as practicable, for Governor's Island, harbor of New York. If a vessel can be immediately procured by the quartermaster of the post, for the conveyance of the two companies to their destination by sea, you will instruct him to engage such transportation; but if there be any probability of delay in proceeding *outside*, the detachment will take the inland route by steamboats and railroads.

It is desirable that you should personally accompany the detachment to New York, and be there by the 2d proximo. On your arrival at New York, you will report to Colonel Bankhead.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Assistant Adjutant General.*

Brevet Colonel A. C. W. FANNING,  
*2d Artillery, commanding Fort Monroe, Va.*



No. 200.

*Same to Major M. M. Payne.*

HEADQUARTERS OF THE ARMY,  
*Adjutant General's Office, Washington, April 25, 1842.*

SIR: It is desirable that you should employ any means in your power to obtain accurate information as to the probability of a conflict between the two political parties now understood to be ready to resort to arms for the possession of the government of Rhode Island. Major General Scott directs that you take measures to get such information, and that you report daily, if possible, in duplicate—one copy to him (open) under cover to the Secretary of War, and the other copy to General Scott (sealed) under cover to Colonel Bankhead, New York.

An officer detached confidentially to Providence, with instructions to write directly as above, and inquiries daily made in Newport, &c., communicating the results as above, may be sufficient.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Assistant Adjutant General.*

Major M. M. PAYNE,  
*Commanding Fort Adams, R. I.*

No. 201.

*Same to same.*

[Highly confidential.]

HEADQUARTERS OF THE ARMY,  
*Adjutant General's Office, Washington, April 26, 1842.*

SIR: In reference to my letter to you of yesterday, I am instructed by Major General Scott to desire you to hesitate much about sending an officer for the purpose of obtaining intelligence in Providence, and not to do so if you can obtain the services of any other discreet, intelligent citizen; because the purpose of the detached officer, whether in uniform or not, would be liable to be suspected—which might do much harm in the present excited state of public feeling in Rhode Island. Nevertheless, it is the wish of General Scott that you obtain, by all honorable means, the fullest intelligence possible on the great subject I presented to you yesterday, and to communicate the same daily to him (unsealed) under cover to the Secretary of War. Duplicates need not be sent to New York, as General Scott may not be there.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Assistant Adjutant General.*

Major M. M. PAYNE, (or officer commanding,)  
*Fort Adams, R. I.*

No. 202.

*Same to Colonel J. Bankhead.*

[Confidential.]

HEADQUARTERS OF THE ARMY,  
*Adjutant General's Office, Washington, April 26, 1842.*

SIR: Two companies from Fort Monroe, under Colonel Fanning, have been ordered to repair immediately to Fort Columbus, to report to you. Before this detachment can arrive, you will receive further instructions from Major General Scott, under whose orders I am writing. He directs that you will immediately cause two companies in the harbor of New York to be filled up with effective men, out of the other two present, and to be held in readiness at Fort Columbus, with tents, for detached service.

I am, sir, very respectfully, your obedient servant,

W. G. FREEMAN,  
*Assistant Adjutant General.*

Colonel J. BANKHEAD,  
*Commanding 2d artillery, Fort Columbus, N. Y.*

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No. 203.

*Adjutant General to Major M. M. Payne.*

[Confidential.]

ADJUTANT GENERAL'S OFFICE,  
*Washington, April 29, 1842.*

SIR: Although Major General Scott is exceedingly desirous that you should meet the general court martial, of which Brigadier General Armistead is president, and which has been ordered to re-assemble at Savannah the 10th of the following month; yet he deems your presence at Fort Adams, during the next week, of still higher importance. The General-in-chief, therefore, desires that you immediately return to Fort Adams, and resume the command of that post for the present. Should, however, the danger of domestic violence in Rhode Island fortunately pass away by the 6th or 10th of the ensuing month, it is expected that you will proceed rapidly to Savannah; and, if necessary, the general court martial (of which you are a member) will be instructed to wait six or ten days for your arrival.

I am, sir, very respectfully, your obedient servant,

R. JONES,  
*Adjutant General.*

Major M. M. PAYNE,  
*Commanding Fort Adams, R. I.*

No. 204.

*Same to Colonel Bankhead.*

[Confidential.]

ADJUTANT GENERAL'S OFFICE,  
*Washington, May 5, 1842.*

SIR: The General-in-chief desires that you repair, individually, to Newport, R. I., and there remain until all appearance of domestic violence shall have disappeared. If necessary, further instructions will be communicated.

Immediately on your arrival at Newport, you will please to direct Major Payne to proceed to Savannah, there to serve as a member of the general court martial ordered to reconvene on the 10th inst., for the trial of Captain Howe, of the 2d dragoons.

I am, sir, very respectfully, your obedient servant,

R. JONES,  
*Adjutant General.*

Colonel JAMES BANKHEAD,  
*2d Artillery, commanding Fort Columbus, N. Y.*

No. 205.

*Same to same.*

ADJUTANT GENERAL'S OFFICE,  
*Washington, May 28, 1842.*

SIR: Your report of the 20th inst. has been duly received. Should you consider your presence no longer necessary at Newport, you will please to repair to your station at Fort Columbus.

I am, sir, very respectfully, your obedient servant,

R. JONES,  
*Adjutant General.*

Colonel JAMES BANKHEAD,  
*Commanding 2d artillery, Newport, R. I.*

No. 206.

*Same to same.*

ADJUTANT GENERAL'S OFFICE,  
*Washington, June 1, 1842.*

SIR: Your report of your departure from Newport to Sackett's Harbor, as a member of a court martial, on the 29th May, has been received.

The General-in-chief directs that you *forthwith* return to Newport, R. I., where you will find instructions of importance, despatched by the Secretary of War, on Sunday, the 29th.\*

\* The letter containing the said instructions is dated the 23th of May, 1842.



You will please to report the receipt of these instructions, and your arrival at Newport.

I am, sir, very respectfully, your obedient servant,

R. JONES,  
*Adjutant General.*

Colonel JAMES BANKHEAD,

*2d artillery, (under cover to commanding officer,)*

*Sackett's Harbor, N. Y.*

No. 207.

*Same to General John E. Wool.*

ADJUTANT GENERAL'S OFFICE,  
*Washington, June 2, 1842.*

SIR: In forwarding you a copy of the order directing Colonel Bankhead to return forthwith to Newport, R. I., where important instructions from the Secretary of War await him, I am directed by the General-in-chief to express his disapprobation of the withdrawal of that officer from the station, and the special service to which he had been assigned by instructions from the headquarters of the army on this occasion.

I am, sir, very respectfully, your obedient servant,

R. JONES,  
*Adjutant General.*

Brigadier General JOHN E. WOOL,

*Commanding, &c., Troy, N. Y.*

No. 208.

*Extract from General Orders No. 33.*

HEADQUARTERS OF THE ARMY,  
*Adjutant General's Office, Washington, June 2, 1842.*

\* \* \* \* \*

¶ 4. With a view to united instruction in the higher manœuvres, the four light companies of artillery will be brought together in pairs, at points which furnish grounds the best suited for that purpose. Consequently, the light companies of the 3d and 4th artillery will constitute the permanent garrison of *Fort McHenry*; and the light companies of the 1st and 2d artillery, on being relieved, will proceed to *Fort Adams*, to constitute two of the four companies assigned as the permanent garrison of that post.

\* \* \* \* \*

By command of Major General Scott,

R. JONES,  
*Adjutant General.*

No. 209.

*Adjutant General to Colonel James Bankhead.*

ADJUTANT GENERAL'S OFFICE,  
Washington, June 6, 1842.

SIR: As the two light companies just ordered to Fort Adams are fully equipped, you will now please send to the Watertown arsenal the battery of brass guns, &c., recently furnished by the Ordnance Department for the post.

I am, sir, very respectfully, your obedient servant,

R. JONES,  
*Adjutant General.*

Col. J. BANKHEAD, OF  
*Commanding officer Fort Adams, Newport, R. I.*

No. 210.

*Same to same.*

ADJUTANT GENERAL'S OFFICE,  
Washington, July 9, 1842.

SIR: In acknowledging the report of your return to Fort Columbus from Rhode Island, I am directed by the General-in-chief to say, that, having been sent to that State on special and confidential service, your return to New York without special authority is irregular, and not approved.

I am, sir, very respectfully, your obedient servant,

R. JONES, *Adjutant General.*

Col. J. BANKHEAD,  
*2d artillery, Fort Columbus, N. Y.*

No. 211.

*Assistant Adjutant General to Colonel Bankhead.*

[Extract.]

ADJUTANT GENERAL'S OFFICE,  
Washington, June 11, 1842.

SIR: \* \* \* The two companies now at Fort Adams, to be replaced by two light companies, may wait for the arrival of the latter. \* \*

I am, sir, very respectfully, your obedient servant,

L. THOMAS,  
*Ass't Adj't General.*

Col. J. BANKHEAD,  
*Commanding 2d artillery, Fort Adams, R. I.*

*Charge of Chief Justice Durfee to the grand jury, at the March term of the supreme judicial court at Bristol, Rhode Island, A. D. 1842, published agreeably to the following request:*

GRAND JURY ROOM, March 15, 1842.

The grand jurors respectfully tender to the honorable supreme judicial court their thanks for the learned and appropriate charge delivered to the grand jury this morning, by Mr. Chief Justice Durfee. Relating, as it does, to a subject upon which there is much diversity of opinion, but which all admit to be of momentous interest, the jurors think its publication would be useful at the present time, and do request a copy for the press.

Henry D'Wolf,  
Howland Smith,  
Samuel Sparks,  
William H. West,  
S. T. Church,  
Robert S. Watson,

Thomas Wilson,  
John J. Allin,  
Jonathan Martin 2d,  
Ebenezer Grant,  
Ira B. Kent.

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#### GENTLEMEN OF THE GRAND JURY:

It is made our duty, by statute, to instruct you in the law relating to crimes and offences cognizable by this court, by giving you publicly in charge our opinion thereon. We are not at liberty to forego this duty, from any feelings of delicacy towards others, or for any considerations of a personal nature. A court is but the organ of the law; and when it speaks, it should announce what the law is, "without fear, favor, affection, or hope of reward." I use the language of the oath which you have just taken, gentlemen; for that oath does as truly express our obligations as a court, as it does yours as a jury.

The first duty which every person residing within the jurisdiction of this State owes to it, is that of allegiance. It begins with life—with infancy at the mother's breast; and if he continue an inhabitant or citizen of the State, it terminates only with the last breath which delivers the spirit over to its final account. Allegiance is a duty due on an implied contract—often, however, sanctioned by an oath, but none the less sacred in the absence of the oath—that so long as any one receives protection from the State, so long will he demean himself faithfully, and support the State. All persons, therefore, abiding within this State, and deriving protection from its laws, owe this allegiance to it; and all persons passing through it, or visiting or making temporary stay therein, owe, for the time, allegiance to this State. One of the highest crimes of which a human being can be guilty, is treason; and treason necessarily involves a breach of allegiance.

From the following resolutions, and the matters to which they relate, there seems to be a peculiar necessity for my calling your attention to this subject at this time; for, as a court, it is not only our duty to try offences when committed, but to prevent them, if it can be done, by making the law known.

Those resolutions are in these words:



## "STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,

*"In General Assembly, January session, A. D. 1842.*

"Whereas a portion of the people of this State, without the forms of law, have undertaken to form and establish a constitution of government for the people of this State, and have declared such constitution to be the supreme law, and have communicated such constitution unto this General Assembly: and whereas many of the good people of this State are in danger of being misled by these informal proceedings: therefore.

"*It is hereby resolved by this General Assembly,* That all acts done by the persons aforesaid, for the purpose of imposing upon this State a constitution, are an assumption of the powers of government, in violation of the rights of the existing government, and of the rights of the people at large.

"*Resolved,* That the convention called and organized, in pursuance of an act of this General Assembly, for the purpose of forming a constitution to be submitted to the people of this State, is the only body which we can recognise as authorized to form such a constitution; and to this constitution the whole people have a right to look, and we are assured they will not look in vain, for such a form of government as will promote their peace, security, and happiness.

"*Resolved,* That this General Assembly will maintain its own proper authority, and protect and defend the legal and constitutional rights of the people.

"True copy:—Witness,

"HENRY BOWEN, *Secretary.*"

Gentlemen, whatever I shall say to you touching these resolutions, and the proceedings to which they refer, shall be said with the full and entire concurrence of each member of this court. And it is peculiarly appropriate, in a case like this, that it should be known what the opinion of this court is; so that no man may become implicated in any offence against the State, without a full knowledge of the opinion of this court, as an independent branch of the government, in relation to the nature of the offence, and the law which it violates.

I therefore say to you, that, in the opinion of this court, such a movement as that described in these resolutions, is a movement which can find no justification in law; that if it be a movement against no law in particular, it is, nevertheless, a movement against all law; that it is not a mere movement for a change of rulers, or for a legal reform in government, but a movement which, if carried to its consequences, will terminate the existence of the State itself as one of the States of this Union. I will now give our reasons for this opinion.

But, gentlemen, in addressing you upon this subject, I know not but that I am addressing those who have participated in this movement. If this be the case, I beg you, and all others with whom you may have acted, to distinctly understand me. Whatever language I may use to characterize the movement, it shall be but the language of the law; it shall mean no impeachment of your or their motives. I will concede to you and to them, if you choose, motives as pure and patriotic, legal attainments and talents as high, as those of the purest and greatest minds that this State ever produced; and still I say, with all proper deference to you and them, that you have mistaken your duties, and misunderstood your rights. Deem it not strange that calm lookers-on can see where the error lies, better than those

who are engaged in the heat of the movement. When great masses move, they move under the influence of excited feelings. When the object is to attain some great political good, real or supposed, the excitement takes for its law of action some ethereal abstraction, some general theoretic principle—true, perhaps, in its application to certain theoretic conditions of man, but utterly false in its application to man as he is—and endeavors, without regard to present social organizations, to carry that principle to its utmost consequences. Gentlemen, strong heads and patriotic hearts doubtless gave the first impetus to the French revolution; but does not the progress and issue of that bloody drama tell us that those abstractions, (in which they so freely dealt,) whatever might be their theoretic truth, became false and fiendish in their application? Do we not know that the very masses which were engaged in carrying them out, rejoiced when the iron rule of military despotism came, to deliver them from themselves, and from the incarnate demons which the movement had conjured up?

Gentlemen, when all men are angels, and of the same order, these abstractions may be true in all their consequences; but never in their application to man as he is.

With this explanation, I proceed to show the illegality of this movement, and the ruin that it portends. I repeat, that, however patriotic may be the intent, the legal effect of it is the destruction of the present State, and the construction of a new State out of its ruins.

Gentlemen, what is a State? I ask not for a poetical definition, but I ask for a definition which befits a court of law—which may befit the courts of the Union, in which we must be ultimately judged. Strange as it may seem, amid all the controversy which this movement has excited, I have not known this question to be asked, or a definition to be given. Such have been the jarring and confusion of the social elements, that the best minds seem to have uttered their thoughts only in fragments. What, I repeat, is a State? Think ye it is the land and water within certain geographical lines? The child may tell you so when he points at the map; but that is not the State, but only the territory over which the State has jurisdiction. Think ye it is a mere aggregate of neighborhoods within those limits? No, gentlemen, there is something wanting to give them distinctive unity. A mere proximity of habitations never made a State, any more than congregated caravans of Arabs when by night they pitch their tents together in the bosom of the desert. Think ye it is the aggregate of inhabitants within such limits? Never. It would be preposterous to call a mere collection of individuals within certain limits a State. Regarded as a mere aggregate, they are still without unity, and have nothing whereby to bind them together, and enable them to act as an organized whole. No treaty can be made with them; no law can be enacted by them. Think ye that it is the mere rulers of those who have the legislative and executive power in their hands? This, indeed, comes something nearer to our idea of a State; and when we look upon governments abroad, we may look no farther. But surely this does not make a State here, at home, under the constitution of the United States. Here, we must not only find a government, but a people so bound together, colligated and organized by law, as to appoint rulers, and to reduce the innumerable wills of the multitude to a legal unit. I think I give you a true description of a State, when I say that a State is a legally organized people, subsisting as such from generation to generation, without end, giving, through the forms of

law, the wills of the many to become one sovereign will. It is a body politic, qualified to subsist by perpetual succession and accession. It is a self-subsistent corporation, resting upon its own centre, and it is, under the constitution of the United States, bound, to a certain extent, in its entirety and in all its constituent individual elements, to that common central body politic, which is the corporate people of the Union, or body politic of States, whichever it may be. There is, and, from the nature of things, there can be, no sovereign people without law—without that unity which the law gives them, whereby they are enabled to act as one; and consequently there can be no sovereign will, that is not expressed through the forms of their corporate existence.

Now, can there be a doubt that this is a true definition or description of a State, and that it applies to this State as one of the States of the Union? Lest there should be a lingering doubt in some reluctant mind, I will verify this definition from the history of the State itself.

The first charter of this State was granted in 1643. It incorporated Providence, Portsmouth, and Newport, under the name of the incorporation of Providence Plantations, in Narragansett Bay in New England. Warwick was subsequently admitted. It was then that the inhabitants of this State first became a corporate people, but dependent on the mother country. In 1660 this corporate people, by their agents, petitioned their sovereign for a new charter. On this petition the charter in our statute books was granted, and, by the same corporate people, in November, 1663, accepted as their charter or form of government. This charter declared that certain persons named therein, and such as then were, or should thereafter be made free of the company, a body corporate and politic, in fact and name, by the name of the Governor and Company of Rhode Island and Providence Plantations in New England, in America, and by the same name that they and their successors should have perpetual succession. Now, here was a corporation, and the freemen constituting it continued their corporate existence, subsisting by succession, still dependent upon the parent government, exercising the powers in the charter granted, holding property of all sorts as a corporate people down to the Revolution. It was then that those aggressions and claims of the King of Great Britain, which are set forth in the declaration of independence, and which were enforced or attempted to be enforced by the bayonet, threw this corporate people upon the natural rights of self-preservation. They resisted as a corporate people. It was in the prosecution of this justifiable defence, that this corporate people found it necessary to cut the bonds which bound it to the mother country. It did so. It was its own act, performed by its delegation in Congress, by its legislative body, and by the corporate people itself, in every legal form in which it could act. It was this act, and this alone, that made us a self-subsistent corporation, body politic, or State. It was this people, acting in its corporate capacity, or by its members, as members, through prescribed forms, that subsequently adopted the constitution of the United States, whereby this State became a member of the Union, and its citizens citizens of the United States.

Does not the history of this State, gentlemen, verify the definition which I have given? Is a State anything but a self-subsistent body politic and corporate, designed to continue its existence, by succession and accession, through all time? If it be anything else, I neither know nor can conceive



what it is. But if it be this, whatever there is of sovereignty must be found in the body politic and corporate, and nowhere else.

But it has been lately said by some whose opinions are entitled to great respect, that, on the separation from the parent government, a subsequent assent of the natural people was necessary to continue the sovereign power in the corporate people, and that all right in the latter to govern ceased and passed to the aggregate unorganized mass of individuals. Gentlemen, this cannot be so. The act of separation was the act of the corporate people; and all that was acquired by that act, was acquired by the corporate people, and could be acquired by none but a corporate people. None but a corporate people has the capacity to receive and exercise sovereignty. The natural people have not the capacity to inherit or succeed to sovereignty, though they may create it by compact, all being parties; or by force, where there is no superior power to impose restraint. A sovereign will is a unit, is a mere legal entity; it has nowhere, in any civilized country, any existence independent of law. In the constitutional monarchies of Europe, it has a mere legal existence; hence the legal maxim in England, that the sovereign never dies and can do no wrong. The moment that the sovereign will ceases to be a legal will, and becomes a mere personal will, you have nothing but a master and a body of slaves; you have no State at all, but only the semblance of one.

The sovereign will is a unit. The moment you divide it, you destroy it; and could such a unit pass to thousands of individuals, isolated, independent, and bound together by no common law, as the natural state supposes, and still continue to exist as a unit, as a one, sovereign will? Never, gentlemen; to pass it to the unorganized mass, is to destroy it. And how fallacious the idea that the sages of seventy-six annihilated, reduced to nothingness, the sovereignty of every State of this Union, in and by the very act which declared them sovereign and independent! What became of the confederation? What became of the Congress that made the declaration?

Truly, gentlemen, some strange infatuation has seized upon the age, if we can believe that, when the Congress of seventy six declared these colonies (in the words of the declaration) free and independent States, and that they had full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other things which independent States might of right do—that, at that very moment, every one of these States ceased to exist, and crumbled into their natural elements. No, gentlemen, our fathers understood themselves better than their children appear to understand them. Well may we humble ourselves in the presence of their memory, when we find such strange hallucinations seizing upon the wisest and best of us. They have made large demands upon the admiration of their children; let us take care we do not make demands, equally large, upon the pity of ours. Gentlemen, the definition is correct; it is true to history; and it is true to the declaration of independence; and it is true to the constitution of the United States, which, according to its intent, this State, as a corporate people, adopted by its convention.

Gentlemen, let us not deceive ourselves by the various forms which this sovereignty puts on, to carry its will into effect. The government in all its departments, legislative, executive, and judicial, is but the exterior form which this sovereignty puts on, in order to preserve itself and to exercise jurisdiction over its peculiar territory, and all persons and things within it.

It is in this way that it extends protection to the whole people, and to every individual man, woman, and child within its jurisdiction, and makes them all one with the corporate people, except in the mere exercise of the right of voting. I have recently heard the phrases "the legal people," "the physical people," repeated by those whose opinions are entitled to respect, as if there was a distinction between them. Gentlemen, we are all the legal people—we are all the physical people. Every man, woman, and child, not of foreign birth, domiciled within this State, is a citizen of this State, and for that reason also a citizen of the United States. Every man, woman, and child has the protection and benefit of all its laws, without distinction; and, for that reason, every one owes it allegiance and fidelity. No one within this jurisdiction can lawfully renounce this allegiance, and transfer it to another sovereignty, whether created within this State's jurisdiction or elsewhere. For this reason, each one and all are the legal people of this State, and are so regarded both by the laws of this State and the laws of the United States. We cannot recognise the distinction as having any just foundation in fact or law. The error lies in the misapplication of language. It is apparent that what they mean, who use the phrase "legal people," is the corporate people. By thus limiting a large and comprehensive phrase, a confusion of ideas is produced, and nothing is distinctly seen. The language seems to imply that all who are not the legal people, in this limited sense, are the illegal people, or people without law and in the natural state, and entitled, therefore, to rely on their physical force; and this idea seems to be strengthened and confirmed by denominating them the physical people. We may all have misapplied these phrases. I myself may have misapplied them, for I make no pretensions to being better or wiser than others. But if we have misapplied them, let us misapply them no longer; let us recollect that the legal people and the physical people are the same great whole.

But, gentlemen, if it be true that the corporate people are the sovereign people, and the forms of government but the instruments of its will—what follows? Why, the moment that the corporate people ceases to exist as such, everything is resolved into its natural elements. This corporate people, whilst it exists, may, of its own will, and through the forms of law, which it prescribes by its legislature, put on as many different forms of government, not conflicting with the constitution of the Union, as it chooses. Its power for that purpose is ample, unquestionable. It may change its form as thoroughly and as often as the fabled Proteus; it may extend the right of suffrage to every man, woman, and child; and still remain the same legal entity, the same State. But the moment the corporate people of Rhode Island cease to exist as such, whether by force, fraud, or voluntary death, corporate Rhode Island herself ceases to exist—the State is gone. Yes, one of the good old thirteen is gone forever. You may close the grave upon her; you may write "*hic jacet*" upon her tomb; she lives only in history.

It may be asked whether the natural people have not their natural rights, and whether one of these is not the right of establishing a government of their own? I answer, that if we grant you that the people have a right to violate their allegiance, resolve themselves into the supposed natural condition of man, and to establish a new State and government; and if we even admit that it has already, in this particular instance, been done—it does not at all relieve us, under the constitution of the United States, from the ap-

palling fact that the old State has ceased to exist, and that the new State is not a member of this Union. We, as the natural people, have accomplished a revolution, in which we have originated a new sovereignty, which utterly disclaims all connexion with that corporate Rhode Island which uttered the declaration of independence and adopted the constitution. And how can we claim to take her place? How can we, as citizens of such a State, be citizens of the United States?

I have heard much, of late, about the right of revolution; and there is no doubt but that, in those cases where a people, by the oppression and violence of their rulers, are thrown upon the natural right of self preservation, this right exists, may be exercised, and a revolution be justified. But, however justifiable it may be, we should always recollect that, if it be revolution, it *is* revolution, and nothing but revolution. There is no possibility of making it half revolution and half not. If you resort to revolution, you must adopt it, with all its consequences, be they never so calamitous. These calculations are to be made at the commencement of it, and weighed against the evils which it is proposed to remedy.

Thus, gentlemen, if everything be conceded that we can ask for—if it be conceded that we have quietly put down the present corporate Rhode Island, and that we have succeeded in establishing this earth-born prodigy in her place—what have we done, but broken our allegiance to our legitimate State, broken our allegiance to the United States, and accomplished our complete outlawry from the Union?

But perhaps we may hope that the General Government will, without inquiry whether we be or be not the legitimate State, recognise the government in fact (in legal phrase *de facto*) as the State. I am apprehensive that in this hope we shall be disappointed. Such a recognition would present a question of constitutional law, affecting every State in the Union. This could not be avoided; but if it could, it would still present a question of policy, equally certain to be decided against us. True it is, that the Government of the United States does recognise the government *de facto* of a foreign country as the legitimate government or state. And it does so from policy. The Government of the Union, having no fundamental principle in common with the monarchies of Europe, and in its anxiety to avoid an embroilment in their concerns, recognises those as the government of any country who exercise the powers of government, without questioning the legitimacy of their claims. But how is it with the monarchies of Europe among themselves? What is necessarily their policy? Why, whenever a revolution is effected in any one of them, upon principles which endanger their ideas of legitimacy, or the permanence of their institutions, millions of swords at once leap from their scabbards, cities are wrapped in flames, fields are deluged with blood, and heaped with slaughtered thousands. Think you that it was out of compassion to an exiled Bourbon that Europe consumed one whole generation in blood and carnage? No, gentlemen; the struggle commenced with sustaining their ideas of legitimacy, in which every monarchy of Europe was interested, and terminated in their triumph.

And how much more deeply interested will every State in this Union be—all subject as we are to the same common constitution and government—in a question of State legitimacy? For what is the principle to be established by the recognition of the new government as the State? It presents itself in these facts. A portion of the people of this State claimed a further ex-



tension of suffrage, and an equalization of representation for the benefit of several towns. This the legislature did not grant at their request; but called a convention, with a view of establishing a constitution which might meet every reasonable demand. This I believe to be about the extent of our grievance. And now, before that convention had accomplished their task, we, backed by the physical force of numbers, take the powers of government into our own hands, frame a constitution, declare it to be the supreme law of the land, and overturn, not merely the government of the State, but the State itself. Now, as a mere matter of policy, could the delegations of the several States in Congress establish the principle, that, because of such a grievance, mere numbers are above law, and have a right to overturn the State of which they are citizens? Let us try to call this a grievance, and then how many thousand grievances are there, of greater magnitude, in every State? And if they are to be in this way redressed, the stability of our institutions is at an end. Have we no questions touching domestic servitude? None touching the social relations? None touching the most active and powerful of all principles, conscience and religious faith? May not protestantism, in a moment of infatuation and alarm, in this manner establish itself as the religion of the State? May not Romanism then rally, put down protestantism, and establishing itself in turn, nail the cross to every steeple, place a priest at every altar, and a teacher in every school, and compel us to support all by taxes? May not the unequal distribution of property in some States be found a grievance? May not banks in others become obnoxious? May not certain forms of taxation become odious? May not the debts of the State bear heavily? Let this principle of revolution, by an unauthorized and irresponsible movement of masses, become an element of the constitution of the Union, and any State may be overthrown, upon any pretext or petty grievance, real or supposed. And can any one believe that, from policy, the Government of the Union would recognise such a principle? Never, gentlemen, never—until that Government, desirous of bringing about a consolidation of these States, chooses to put every element of disorganization into operation upon them.

But if the new government cannot be recognised from policy, the next question is, can it be recognised on legal and constitutional principles? What says the constitution? "New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, without the consent of the legislatures of the States concerned, as well as of the Congress." Is it said that this provision contemplates a case where only a part of the State's territorial jurisdiction may be occupied by the newly-formed State? Very probably the framers of the constitution had such a case in mind; but so much the worse for the case in hand. Does not an article which forbids any part of a State's territory being so appropriated, for a stronger reason forbid the occupation of the whole, and the absolute destruction of the legitimate State? Can you take the whole without its parts? Gentlemen, it will not be respectful to your good sound common sense to spend a moment's time on this point.

Again: by an express provision of the same constitution, almost immediately following the above, and to be considered in connexion with it, the United States are bound to guaranty to every State in this Union a government, and a republican form of government. Will this guaranty be fulfilled by suffering this government to be annihilated—and annihilated by a

power which, by the very terms of the article first above mentioned, can no more be recognised as corporate Rhode Island than Texas or Algiers?

Tell us not of the admission of Michigan. Michigan was a Territory. No pre-existent State was subverted. We know of nothing in the constitution that forbids Congress bestowing upon any Territory that State form of government which is guarantied to every State; and which, if reduced by this movement to the condition of a Territory, it may be our humiliating lot, in some way, to receive at their hands.

But, gentlemen, Congress is not the only tribunal before which we shall have to appear. It is the peculiar province of the Supreme Court of the United States to decide, in the end, all constitutional questions, and questions touching State rights. I will, therefore, state to you what must necessarily, according to the common course of judicial proceedings, be the process by which this question will be determined in the courts of the Union. When the existence of a State has been constitutionally recognised, the courts of the United States may well recognise the government *de facto* as the government *de jure*—in other words, the government in fact as the government in law. They may well enough presume that those who exercise the powers of the State are the legal officers of the State, and leave the question of the legality of the election to be settled by the State functionaries appointed to that special duty; but, before there can be any such presumption, there must be a State—a State known to the constitution and laws of the Union. There is no such thing as presuming the existence of such a State. A *de facto* State is, as truly as a *de facto* corporation, an absurdity in terms. A State must have its fundamental laws or constitution known to the constitution of the Union, of which it is a member, and in accordance with it; and to talk of a *de facto* law, is to talk profound nonsense.

To prove, then, the existence of the new State, or even to prove the existence of any of its officers, you must present to the Supreme Court of the Union this instrument which has been proclaimed as the supreme law of this State, and you must show that it had a legal origin.

The question will not be, who voted for it? or how many? but what right anybody had to vote for it at all, as the supreme law of Rhode Island?

In the records of the true constitutional State of Rhode Island, you can nowhere find any law, any authority, countenancing such a proceeding.

This the friends of the supposed constitution must themselves confess. Indeed, they must boldly avow that it was not only voted for without any such authority, but against the whole body of the legislation of the State, whose fundamental laws have all been recognised, directly or impliedly, by the constituted authorities of the Union, and by the very court that will be called upon to decide this question. And can we think that this court will lose its firmness, and tread back its steps, on account of the delusion of some ten or fifteen thousand persons in this State, and establish a constitutional principle of disorganization, which must eventually become predominant in every State, and reduce all to ruin? It is folly to anticipate such a decision, and wickedness to hope for it.

This pretended constitution, then, does not spring from constitutional Rhode Island—from that Rhode Island known to the constitution of the United States as the State of Rhode Island and Providence Plantations; it is without legal authority, and of no more value in the courts of the Union

than so much blank parchment. You are then without a constitution—you are without fundamental laws—you have no officers that can be recognised as officers *de facto*, for there are no legal and constitutional duties for them to discharge. You have no legislature—no State legislation;—in one word, you have no State, and are reduced to the condition of a mere Territory of the Union, without the benefit of territorial laws.

Now, gentlemen, what are the consequences? it is well worth while to inquire. We stand upon the brink of an awful gulf. We are about to take the leap; and we may well feel some anxiety to look down into it, and obtain a glimpse of what sort of a Tartarus it is into which we are about to make the final plunge.

Gentlemen, I will whisper a few questions to you—all of which, I dare not for the peace of this State, answer even in a whisper. There is too much combustible material in this wide-spread Union—too many daring and reckless adventurers of all sorts.

Gentlemen, it is the faith of the untutored savage, that certain birds of the air, and beasts of the desert, are endowed with something like a pre-science or foreknowledge of the coming banquet which human strife is to provide, and that, some days in anticipation of the event, they come from all quarters of the heavens, and from all the far depths of the forest, and, congregating in the neighborhood of the appointed place, eagerly await the approaching carnage. I do not want to be heard or understood by such as these; therefore will I not answer all the questions that I may put, but simply show you that there are such questions.

When corporate Rhode Island ceases to exist, what becomes of her delegation in Congress? What becomes of her bill in chancery, which she filed, claiming through her charter, and through that only, a portion of territory within the jurisdictional lines of Massachusetts? I mention this, not for its importance, but for its illustration; and because, in the event supposed, the question must necessarily arise. What becomes of the public property of all sorts? Your court houses? Your jails? Your public records? Public treasury, bonds, and securities of all sorts, which belong to the present corporate Rhode Island, and to her only, and can pass from her only by her legislative consent? What become of the actions now pending on the dockets of every court in this State—bills of indictment for crimes committed, or that may be committed? What become of your State prison, and your convicts, from the wilful murderer to the petty thief? What become of your corporations of all sorts? Of your corporate towns and their records? Nay, are there not questions touching life, liberty, and individual property? I dare go no farther; perhaps I have already gone too far. But, whatever answer may be given to these questions, (and answered they must ultimately be in the Supreme Court of the Union,) the bare fact that these questions must be raised, tried, and decided, is sufficient to send a thrill of horror through the heart of every man, woman, and child in this State.

And all this for what? For if revolutions may be justified, we may well put the question. It is said to be for an extension of suffrage and an equalization of representation. How many of you have ever felt the want of this to be so great as even to sign a petition to the General Assembly on the subject? If this be a grievance at all, is it not the merest trifle, compared with the calamities through which we must pass, in order to redress it in the mode which this movement has proposed? If it be a grievance, it has scarcely been felt, and a legal and legitimate remedy is already before you from the



State's convention. Is there any other? Did we ever petition this government for any favor which reasonable men might ask for—no matter what party was in power—that was not cheerfully granted? Are we overtaxed by this State? Is there any oppression which can be named to justify a revolution? Have not we and our fathers all lived in peace and happiness under the laws of this State, from its first establishment to the present day? Did not our fathers establish themselves here in a howling wilderness, and, under the protection of that distinctive principle of their government, religious liberty, enjoy peace, and quiet, and happiness, whilst the sister colonies were shedding blood, and persecuting their fellow-men for conscience sake? Did they not under this State, and for this State, utter the declaration of independence, and, led on by her Greenes and Olneys, go forth in array of battle, and shed their blood on a hundred fields? Did they not gloriously and triumphantly secure to us the rights which we ever since have and now enjoy under the protecting laws of this State? But they have done their work—they have passed through the toils and sufferings of their day, and laid them down in the quiet grave, where the wicked cease from troubling and the weary are at rest. They have left the fruits of their labors as an inheritance to us. May their sainted spirits join with us in a prayer to the Almighty Father of all spirits to save us from this fatal delusion!

Gentlemen, the meaning of the word *revolution* in this case is very different from its meaning when it designates the conflict between the colonies and the mother country. That was a conflict between corporate bodies on this side of the Atlantic, against corporate Britain on the other. But revolution in this case means a conflict among the very elements of society. It proposes to realize here, in Rhode Island, the horrors of the French revolution. It proposes to arm neighbor against neighbor, friend against friend, brother against brother, father against son, and son against father—and all this for what? Can any one tell us?

We may flatter ourselves that we are a people too enlightened and too good to pass into the excesses which have marked revolutions in every age. But, gentlemen, in all ages of the world, and in all countries, excited passion, in its extremes, is the same; the individual man, however enlightened and good he may be as an individual, is merged in the mass to which he belongs, he loses his freedom; he blends with it; whilst the mass itself becomes a mere brute force, which, under the influence of the idea or passion which actuates it, goes on and on—heedless of the ruin which it makes, heedless of its own destiny, to its final dissolution or utter annihilation. Would to God that men would learn something from history! But it has been well observed, that we ever place the lantern in the stern, and not at the prow. It sheds its light only on the tumultuous billows of the past. We there see the wrecks of nations that have committed themselves to anarchy, tossing and heaving on the stormy surge. Yet on we go, exulting in our superiority over our predecessors, heedless of the rocks beneath the bow, until the billow on which we are borne sinks beneath us, and dashes us into fragments.

It may be thought that I am indulging in feelings not usual to the bench; but, gentlemen, there are occasions when humanity may be excused for rising above the petty etiquette of official dignity—when the formalities of the judge may be lost in the realities of the man. And if ever such an occasion presented itself in any State, it now presents itself in this. It would be our duty as good citizens, but it is imperiously our duty as

sworn conservators of the peace, to tell you what is law, and what is not law. This duty we are not at liberty to forego.

I therefore say to you, and all others duly qualified, that it will be lawful for you to vote on the constitution now submitted to you by the State's convention; and that, if it be adopted, any person in this State commits a breach of allegiance who wilfully fails to support it. If it be not adopted, it will be our duty still to adhere to that compact of our ancestors called the charter, as that sheet-anchor at which our beloved State has triumphantly ridden out many a storm, and can as triumphantly ride out this. And as to that instrument called the "people's constitution," however perfect it may be in itself, and however strong may be the expression of public opinion in its favor—yet, standing, as it does, alone and without any legal authority to support it, it is not the supreme law of this State; and those who may attempt to carry it into effect by force of arms, will, in the opinion of this court, commit treason—treason against the State—treason, perhaps, against the United States; for it will be an attempt, by the overt act of levying war, to subvert a State, which is an integral part of the Union; and to levy war against one State, to that end, we are apprehensive will amount to the levying of war against all.

Gentlemen, do not misapprehend us; we make not this declaration by way of denunciation or threat, but simply because it is our duty to declare the law. As a court of law, were it even in our power, we would not act on any man's fear, save on that fear of which every good citizen may be proud—the fear of doing a wrong or illegal act. And we make this declaration with the hope that those gentlemen who have engaged in this movement—for many of whom a personal acquaintance enables us to cherish sincere respect and esteem—will be induced to pause and to reflect—to reflect deeply. We admit their courage; but may they use it in a good cause, and, without following the example, adopt the sentiment of Macbeth, when urged to commit treason and murder—

"I dare do all that may become a man;  
Who dares do more, is none."

### No. 213.

#### *Organization of the government under the people's constitution, and message of Governor Dorr.*

From the Providence "New Age" of May 7, 1842.

The city was crowded on Tuesday with visitors from all parts of the country, to witness the interesting ceremonies of the inauguration of the governor and the organization of the civil government of Rhode Island, in conformity with the provisions of the people's constitution.

At an early hour, there commenced a constant and immense influx of civil guests and military corps, and their numbers continued to increase till the hour assigned for forming the procession.

At about ten o'clock, the procession was marshalled in the broad space in front of the Hoyle tavern, and proceeded down High and Westminster streets, and portions of other principal streets in the city, to a building provided for the occasion in Eddy street, where they halted; and the Governor, preceded by the sheriff, and followed by the other officers and representatives elect, entered, and went through the ceremony of inauguration.

On motion of Mr. Simmons of Providence, Hon. D. J. Pearce was appointed to preside till the organization of the House should be completed.

Certificates of election were presented from twenty-two towns, and sixty-five members answered to their names. The following appointments were then made :

Welcome B. Sayles, of Smithfield, speaker ; and John S. Harris and Levi Salisbury, jr., clerks.

On rising the chair, the Speaker thus addressed the House :

"GENTLEMEN OF THE HOUSE OF REPRESENTATIVES : I trust that I properly appreciate this signal mark of your confidence in the high honor it has been your pleasure to confer upon me. Were it not thought that excuses come with a very ill grace from all, save those who are eminently competent for what they are about to undertake, I would give an expression to the extreme regret I feel in my inability and inexperience to discharge the important duties devolving on me as your Speaker. But I have not felt at liberty of late to shrink from any responsibility my friends required ; therefore, I throw myself upon your kind indulgence, knowing I shall receive your assistance in the discharge of my duties.

"You, gentlemen, are no ordinary legislature, to whom only your immediate constituents are to look for wholesome legislation, but the eyes of more than 15,000,000 of free people are upon you. May we be able to discharge the important duties devolving upon us in such a manner as to disarm our enemies, and satisfy our friends at home, and retain the approbation of the friends of liberty and equal rights throughout the world.

"The constitution provides that the Speaker shall qualify himself by subscribing the oath, and then administering the same to the members, which I will now proceed to do."

A committee of fifteen members and the clerks was then appointed to count the votes, and the House took a short recess ; after which they re-assembled, and both houses were duly organized, when Governor Dorr read his message, which appears in other columns—a document which cannot fail to be perused with deep interest and full approbation by the friends of the constitution and the advocates of equal rights, and the legitimate descendants of those who achieved our national independence.

The committee for counting the votes made their report—that the number polled for governor was 6,359. The votes for the other officers on the ticket did not materially differ. The votes from six towns (in four of which meetings were held) were not received in time to be counted.

An act was passed repealing the law for the punishment of offences against the sovereign power of the State, commonly called the Algerine law.

The Governor was requested to notify the President of the United States of the organization under the constitution ; and also to notify the presiding officers of both Houses of Congress of the same fact, and request them to lay the information before their respective Houses ; and also to notify the governors of the several States of the same, to be communicated to their legislatures.

A resolution was passed requesting the Governor to issue his proclamation, requiring of civil and military officers and others obedience to the present government.

The sheriff of the county of Providence was directed to prepare the State-house for the use of the General Assembly ; after which, both houses



adjourned, to meet at their present place of meeting at 9 o'clock this morning.

The procession, which, besides the officers elect, included the Independent Company of Volunteers, accompanied by the Providence brass band, and several militia and volunteer corps, and the butchers on horseback in white frocks, made a very imposing appearance, and numbered about *three thousand*; while double that number, principally true friends to the constitutional cause, thronged the sides of all the avenues through which it passed. Windows and doors were crowded with the smiling faces of the fair sex, eager to behold the novel sight of an immense assemblage, moving in perfect order, to place the key-stone in the arch of the proud fabric of their independence.

When the procession arrived at the house, the military were called together by the chief marshal, and, having unanimously passed the following resolutions, were dismissed :

Whereas we believe that, according to the principles recognised in that sacred instrument, our declaration of independence of July 4, 1776; by the constitution of the United States, and the declaration of rights adopted by the people of this State in the year 1790, all political governments derive their authority from the consent of the governed; and that the people are sovereign, and have in themselves, when acting in their sovereign capacity, full power and lawful authority to alter and change the form of government when circumstances involving their happiness require: and whereas the people of this State, acting in their original and sovereign capacity, have seen fit of late to call a convention of delegates to frame a constitution of government, republican in form, which should conform to the republican institutions and forms of government of other States in this Union—the late government of this State under the charter of Charles the Second not being of that character: and whereas said constitution having been adopted by a majority of the whole people of this State: therefore,

*Resolved*, That said constitution is the supreme law of this State, and ought to be obeyed by all good citizens thereof.

And whereas, agreeably to the provisions of said constitution, a governor, lieutenant governor, senators and members of the House of Representatives, and all other officers to be chosen by the people, agreeably to the provisions thereof, have been duly elected by the people, and the government of the State duly organized under said constitution, and agreeably to the provisions thereof: therefore,

*Resolved further*, That, as a component part of the militia of this State, we are bound to respect Thomas Wilson Dorr as our "commander-in-chief" under said constitution, and that we will obey all lawful orders coming from him as commander-in chief of the military of this State, for the defence of said constitution, the laws of this State, and the laws of the United States, when called upon so to do.

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GENERAL ASSEMBLY.

TUESDAY AFTERNOON, MAY 3.

The organization of the two houses having been completed, on motion of Mr. Pearce of Newport, it was

*Resolved by the House of Representatives*, That a committee of two mem-

bers of this House, with such addition as may be made by the Senate, be appointed to wait upon the Governor, and inform him that the General Assembly are ready to receive any communication that the Executive may have to lay before them.

Messrs. Pearce of Newport, and Simmons of Providence, were appointed a committee for this purpose on the part of the House; and Mr. Brown, of the 1st district, was added by the Senate.

The committee reported that the Governor would forthwith address the two houses; and the two houses thereupon united in joint meeting, and were addressed by the Governor in the following

#### MESSAGE:

##### *Senators and Representatives :*

It is with no ordinary emotions that I proceed to discharge the duties imposed upon me by the constitution of this State, in submitting such suggestions for your consideration as the occasion requires.

This is the first session of a legislature ever convened under a written constitution of government, proceeding from the people of Rhode Island. That a majority of the people should have been so long debarred from a participation in those rights which are elsewhere so well recognised, and that we have been so slow in arriving at a point long since attained in other States, are facts ill adapted to elevate our feelings of State pride, as successors of those venerated men who here proclaimed, for the first time, the just principles of religious and political freedom, which are now the common inheritance of American citizens. On the other hand, the peculiar circumstances in which the people of this State have been placed, and the extraordinary difficulties with which they have had to contend, render the establishment of their constitution a subject of the deepest satisfaction to the people themselves, and to all who sympathize in the progress of rational liberty. If the people of Rhode Island are true to themselves, the democracy of Roger Williams has this day been restored in the place where it originated. The sacred fire, so long extinguished, has been re-kindled upon our altar. The sovereignty of the people has been vindicated. The distinctions of caste and privilege have been abolished. Our institutions are rendered conformable to the standard of our sister republics. While the rights of those heretofore denominated the freemen of the State have not been impaired, the rights of others have been placed on a sure basis, by constitutional provisions securing the common welfare of the whole people.

On this peculiar occasion, it is due to ourselves, and to our fellow-citizens abroad, who entertain so lively an interest in our affairs, to pass briefly in review the history of our proceedings, and to submit them to the scrutiny of public opinion—the arbiter of political questions in a free country—and to which, in the confidence inspired by a righteous cause, we are ever ready to appeal. The idea of imposing a government on the people of this State by mere power, and without right, is one which will be promptly discarded by the constitutionalists of Rhode Island. They maintain the ground that they are not only a majority, but that they have proceeded rightfully to alter and reform their government, according to well-defined principles in our republican system.

The people of Rhode Island have, for many years past, complained of manifest defects in their form of government; the most serious of which

were the limitation of the right of suffrage, an unequal representation, and the absence of all fundamental laws to limit and regulate the powers and functions of the General Assembly. The operation of the suffrage law of this State has for a long time excluded from the right of voting three fifths of its adult population. The largest vote ever polled by the freeholders was at the election of the President in 1840, when 8,662 votes were cast, in a total adult male population, of permanently resident citizens of the United States, exceeding 23,000. It is impracticable for the disfranchised majority, even if of pecuniary ability and so disposed, to qualify themselves as voters upon real estate. Although the Senate, consisting of ten members, was elected upon general ticket by the freemen at large, yet a majority of the House of Representatives was chosen by towns containing less than one-third of the population of the State; so that the conjoint effect of suffrage and representation in this State has been to place all political power in the hands of a minority of its citizens, and to hold out the greatest temptation to that minority to resist all changes, which would divest the few of the exclusive control of affairs. But if these evils had not existed; if suffrage had been extended, and representation had been equalized, still the want of fundamental laws to regulate the legislature itself, and to protect the citizen against legislative tyranny or caprice, would alone have afforded ample justification to the strong impulse among the people in favor of a State constitution—such a constitution as should define the rights of the citizen, establish the departments and powers of government, and lay down definite and permanent rules for its administration, to which all might appeal.

The charter government of this State had no counterpart in any State of the Union. We have never had a constitution, in the American sense of the term. The substitutes for it were a charter granted by Charles II of England; various statutes to explain, define, and alter the charter, and to supply its deficiencies; and certain usages; all which, taken together, composed our form of government, and were all subject to the will and pleasure of the General Assembly.

The charter of 1663 was the creation, in ordinary form, of a political corporation, with general powers of self government to the colony, and it granted to the colonists the utmost freedom in all religious concerns. The zeal and perseverance manifested by Roger Williams and John Clarke in obtaining this charter entitle them to our lasting gratitude. Our ancestors declared themselves a democracy long before the date of the charter, and they lived as such under it; and, although their proceedings were subject to the government at home, they enjoyed their institutions, with little interruption, to the time of the Revolution. It is not the charter with which we find fault. In the day when it was granted, it was a noble monument of freedom, and well adapted to the circumstances of the people at the time. It has long since performed its office, and ought to have been laid aside in the colonial archives when our connexion with the mother country was severed. It is the action of the General Assembly under this charter, and since the Revolution of 1776, which has occasioned all our difficulties. It has been in the power of the General Assembly, at any moment, by their entire control over the right of suffrage, and by extending it, to remove every existing cause of complaint among the people; inasmuch as a liberal extension would have led to the adoption of a liberal constitution. The charter empowers the Assembly to admit persons free of the company, and prescribes no terms or qualifications whatever. Before this charter, and under



that of 1643, the rule of admission was "being found meet for the service of the body politic."

After the charter of 1663, the laws make mention of "competent estates," without defining their nature or amount; and in 1666 the admission of the freemen was transferred, for greater convenience, to the several towns, who were authorized to make admission of those who were "deserving thereof." It was not till the year 1724, 88 years after the settlement of the State, that a definite property qualification was established, by a law of that year, which enacted that no man should be admitted a freeman unless possessed of a freehold estate of the value of one hundred pounds, or forty shillings a year, or unless he were the oldest son of such freeholder. The amount of the qualification was afterwards raised to two hundred, then to four hundred pounds; and in the year 1762 it was diminished to forty pounds, equivalent in our present currency to one hundred and thirty-four dollars, at which point it has ever since remained.

Whatever may have been the original inducement for the passage of such a law, it does not appear to have been regarded at the time as a serious inconvenience, any more than such a law would be regarded in any State purely agricultural. At the time of the Revolution, and for some years subsequent, the voters of the State were a majority of the inhabitants. The State became deeply involved in the war of the Revolution. The attention of the people was turned from their own institutions to matters of more general and absorbing interest; and the old charter system remained, as before, the government of the State. As population increased, and the inhabitants became more and more diverted from agriculture to other pursuits, the evil of this system became more manifest—the number of voters bearing a constantly decreasing proportion to the whole number of adult male citizens. The vote polled fifty years ago, at ordinary elections, was not, as has been stated, two thousand less than the average vote at our elections at the present day, in a population nearly double in numbers.

A political injustice so marked as this, did not fail to suggest the proper remedy by an extension of suffrage. In the course of time, the apportionment of representatives, which was fairly made in the charter, according to population, had become extremely unequal. A movement in favor of a constitution was made near the close of the last century, but without any practical results. In the year 1811 a bill to extend suffrage to all citizens who paid taxes and performed military duty was passed in the Senate, but was lost in the House of Representatives. In the year 1819, and the three following years, the subject of a State constitution was again agitated, and the oppressive inequality of our present system was clearly demonstrated, but with the usual want of success. In 1824 a convention of the freemen was called by the General Assembly to form a constitution. This convention proposed to the freemen a constitution, which redressed, in part, the inequalities of our representation; but a resolution to extend suffrage to others besides landholders received only three votes. This constitution was voted down by a large majority.

In 1829, a renewed interest upon the question of their rights was awakened among the disfranchised inhabitants, especially in the city of Providence. Frequent meetings were held, and a petition numerously signed was addressed to the General Assembly. It was so far deemed worthy of notice as to be referred to a committee, and to be made the subject of a report, drawn up by a very distinguished member of the House of Repre-

sentatives. This committee treated the application of the petitioners with scorn and contumely; described them as a low and degraded portion of the community; and reminded them that, if they were dissatisfied with the institutions of the State, they were at liberty to leave it. The report was received and printed, and considered, with much exultation, as the most effective rebuke ever administered to the advocates of liberal suffrage in Rhode Island.

In 1832, an attempt to obtain a participation in the elective right shared a similar fate.

In 1834, a party was organized for the express purpose of accomplishing the same object by direct political action on the electors of the State. After a resolute struggle of four years, this party became extinct, without having apparently created much impression upon the freemen, or having tended, in any perceptible degree, to change their fixed determination never to abandon the existing suffrage laws.

But the movement of this party gave occasion for some alarm; and the General Assembly forthwith called a convention of freemen, who met at Providence, in September, 1834, to propose amendments to the existing institutions of the State, or to form a constitution, as they might deem expedient. A motion to extend suffrage beyond the landed qualification was decisively negatived, only seven members voting in its favor. The convention was unable to maintain a quorum, and adjourned without proposing a constitution, or any part of one, to their constituents.

A whole generation had thus passed away, in fruitless efforts to obtain, as a grant from the chartered authorities, those rights which are everywhere else, throughout the length and breadth of this great republic, regarded as the birthright of the people. The legislature had been repeatedly approached in terms of respectful petition, and the applicants had been driven away as intruders upon the vested rights of the ruling political class. The General Assembly, which was invested with as full power to alter the law of suffrage in favor of the people, as to establish the law originally, without any prescription in the charter, had turned a deaf ear to the reiterated and most earnest remonstrances of a long injured and oppressed majority.

The conventions of the freemen had manifested, if possible, a still greater hostility to the claims of the majority. The anxious inquiry of the people began to be raised—Is there no remedy for these manifest grievances? Must we submit forever to be trodden under foot by men no better than ourselves? Is the law of a minority, who happen to possess the control of a State, like the laws of the Medes and Persians, to be the immutable standard of right and justice, in despite of all the changes which have been occasioned by time and circumstances in the condition of the State and its inhabitants? Was this designed to be a government of the few, or of the many? Have we gained or lost by the boasted emancipation of our State from colonial subjection? Questions like these were naturally interchanged among those who felt the pressure of a common injustice; and they became bound together in attachment to a common cause, and in a struggle for the same just and equal rights. And who were these men? They were the younger sons of farmers, the great body of the mechanics and of the workingmen of the State.

They found among their number nearly all the surviving patriots of the Revolution, who felt themselves impelled to assert, in the period of venerable age, the same cause to which they had devoted the freshness and

vigor of their youthful days. The men thus hopelessly disfranchised were those to whom the defence of the country is committed in time of war, who protect the community against the ravages of conflagration, who sustain their equal amount of the burdens of community, and who sustain, by indirect taxation, the government of the United States. They were sensible of no inferiority of nature or condition, which marked them for the subjects rather than the citizens of a nominally republican government. They were the descendants of ancestors who had proclaimed to the world, for the first time in its history, the first principles of a democratic government, or of the men who contributed their substance, their honor, and their lives to the freedom and independence of their country. Could they hesitate in the course which they were bound to pursue? It was idle to tell them that they were well governed, and that the existing authorities were better qualified to provide for their interests, than they were to take care of themselves. They felt in their inmost hearts the proud response of American freemen, conscious of their rights, and daring to maintain them.

While it is the right of a British subject to be well governed, they believed it to be the right of American citizens to govern themselves; and they determined to remove the badge of servitude fastened upon them by a landed oligarchy.

In the latter part of the year 1840, an association of mechanics, mostly non-freeholders, was organized in this city, for the final attainment of their political rights; and similar associations were soon formed in many other towns of the State. A portion of the members of these associations, still retaining a hope that the General Assembly might lend an ear to the remonstrances of the people, presented once more a petition at the January session, 1841, for a redress of their political grievances. The petition was not acted upon. At the same session, a memorial from the town of Smithfield, praying for an increase in its representation, received the attention of the House, and a committee once more reported a bill for a freemen's convention to form a constitution. The experience of the past had forbidden disfranchised citizens to expect, from a convention so organized, any favorable result; and they soon after proceeded to call a mass convention of the people to consider the condition and prospects of their cause. This convention met in Providence on the 17th of April, 1841. A second mass convention was held at Newport on the 5th of May, when it was resolved that a convention of the people at large should be called for the formation of a republican constitution; and a State committee was appointed to issue the call. The General Assembly met in May, 1841, and passed a law for the more equal apportionment among the towns of the delegates to the freeholders' convention in November. At the adjourned session in June, a bill was introduced in the House to admit tax-payers to vote with the freemen in the choice of delegates to the November convention. This bill was negatived by the same decisive vote that had been before given against all propositions for an extension of suffrage.

On the 5th of July, 1841, the Newport mass convention held an adjourned meeting at Providence, and, having become satisfied that there was no longer any hope from the General Assembly, issued instructions to the State committee to proceed forthwith in the call of a popular convention; which instructions were complied with, by issuing to all the towns in the State a request to elect delegates, in the proportion, as nearly as possible, of one to every thousand inhabitants, to assemble at Providence in October for the



purpose aforesaid. Meetings of the citizens were duly held, pursuant to notice, in nearly all the towns of the State, in the latter part of August, moderators and clerks were appointed, and delegates were elected in the usual form for such occasions. A large majority of the delegates assembled in convention, at Providence, on the 4th day of October; and, after having formed the plan of a constitution, adjourned till the next month, in order that their labors might be submitted to the investigation of the public. The convention re-assembled in November; and after making several amendments, finally passed upon the constitution, and proposed it for adoption, or rejection, to the adult male population, who were citizens of the United States, and had their permanent residence, or home, in the State. The question upon the constitution was taken on the days appointed in the same, in the month of December, 1841; and the result was, the adoption of the constitution by a large majority.

The freeholders' convention met in November; and, after preparing the plan of a constitution—in which, however, there were some provisions proposed only, and not acted upon—adjourned to the month of February, 1842. Their adjournment took place prior to the second meeting of the convention of the people. The freeholders' convention, at their first session, extended suffrage beyond the existing freehold qualification, to the possessors of personal property of the value of five hundred dollars. This convention met again, according to adjournment, in February, completed their constitution, and submitted it to those of the people who were qualified to vote under it; by whom, in the month succeeding, it was rejected.

This constitution was voted against by a large majority of the friends of the people's constitution—not because it was made by the freemen, and not by themselves, but because its leading provisions were unjust and anti-republican, and tended to prolong, under a different guise, some of the greatest of those evils which had been the occasion of so much complaint under the old charter system. It is a fact which challenges contradiction, and is familiar to every man in this State, that the friends of political reform and equal rights have ever been desirous, previous to the adoption of their constitution, that all changes in their form of government should be made through the action of the Assembly, or the body of the freemen. The course adopted by them during a long series of years—their respectful applications to the Assembly—their delay in the call of a popular convention, until every probability of redress had been cut off, and patience had ceased to be a virtue, will satisfy all candid men that the minority are in the wrong on this point, and that the people have pursued the only course consistent with a proper regard to their rights as citizens of a free country.

Two questions here arise, to which it is our duty to reply—a question of right, and a question of fact. Had the people of this State a right to adopt a constitution of government in the mode they have pursued? and, if so, have they adopted this constitution by a majority of their whole number?

That the sovereignty of this country resides in the people, is an axiom in the American system of government, which it is too late to call in question. By the theory of other governments, the sovereign power is vested in the head of the State, or shared with him by the legislature. The sovereignty of the country from which we derive our origin, and, I may add, many of our opinions upon political subjects, inconsistent with our present condition, is in the king and parliament; and any attempt on the part of the people to change the government of that country, would be deemed an in-

urrection. There, all reform must proceed from the government itself, which calls no conventions of the people, and recognises no such remedy for political grievances. In this country, the case is totally the reverse. When the Revolution severed the ties of allegiance which bound the colonies to the parent country, the sovereign power passed from its former possessors—not to the General Government, which was the creation of the States; nor to the State governments; nor to a portion of the people; but to the whole people of the States, in whom it has ever since remained. This is the doctrine of our fathers, and of the early days of the republic, and should be sacredly guarded as the only safe foundation of our political fabric. The idea that government is in any proper sense the source of power in this country, is of foreign origin, and at war with the letter and spirit of our institutions. The moment we admit the principle that no change in government can take place without permission of the existing authorities, we revert to the worn-out theory of the monarchies of Europe; and whether we are the subjects of the Czar of Russia, or of the monarch of Great Britain, or of a landed oligarchy, the difference to us is only in degree; and we have lost the reality, though we may retain the forms, of a democratic republic. If the people of Rhode Island are wrong in the course they have pursued, they will nevertheless have conferred one benefit upon their countrymen by the agitation of this question, in dissipating the notion that the people are the sovereigns of the country, and in consigning to the department of rhetorical declamation those solemn declarations of 1776, which are repeated in so many of the State constitutions, and which are so clearly and confidently asserted by the most eminent jurists and statesmen of our country.

By sovereign power, we understand that ultimate power, which must be vested somewhere, and which prescribes the form and functions of government. It is, of course, superior to the legislative power, which can be properly exerted only according to rules laid down for its action, in that expression of the sovereign will called a constitution. This sovereignty is a personal attribute, and belongs to the man himself, and not to the soil or property with which he may be endowed. It is a power seldom visible; which ought to be, and can be, but rarely exerted. The making and altering of laws, which lie at the foundations of society, should be a work of great care and caution; and when done, ought to be well done, that it may be effectual and permanent. It is our misfortune in this State, that, as no expression of the sovereign will has been, until recently, made in the adoption of a constitution, and no index of this will constantly before the public eye, the distinction between the two powers has become obliterated among us; and the legislature has been regarded not only as the immediate acting power, but as the sole power of the State; and all who maintain the right of the people in their original, sovereign capacity, to alter the present government, and render it conformable to their just rights, have been represented as hostile to law and order, and as putting in jeopardy the stability of government. On the other hand, we contend that the people have a right to change the government when necessary to their welfare; that they are the judges of that necessity; that "time does not run against the people, any more than against the king," and that they have not forfeited this right by any acquiescence; that a power to assent, involves another to dissent; that even if a past generation had surrendered to a minority their po-

litical rights, (which they never have done,) they did not, and could not, bind their successors, or prevent them from re-assuming their sovereignty.

If time permitted, I should take great satisfaction in laying before you the most abundant evidence that these are the well recognised principles of our republican system, and are not to be regarded as revolutionary.

The declaration of American independence asserts that governments derive their just powers from the consent of the governed; and that it is the right of the people (meaning the whole people, the governed) to alter or abolish their government whenever they deem it expedient, and to institute new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. This declaration was expressly adopted by the General Assembly of this State in July, 1776.

The constitutions of many of the States, while they contain specific provisions for the mode of their amendment, set forth, in the strongest terms, the right of the people to change them as they may deem expedient.

Any other construction would render a portion of the declarations of rights in these constitutions entirely nugatory.

The convention which framed the constitution of the United States, acted as the representatives of the sovereignty of the people of the States, without regard to the limitation attempted to be imposed by the Congress of the confederation. That the whole people, by an explicit and authentic act—the great body of society, have a right to make and alter their constitutions of government, is a principle which has been laid down by the fathers of the constitution, and the ablest expounders of our political institutions, by Washington, Hamilton, and Madison. The strong opinions of Jefferson on this point are too well known to need a particular repetition.

Chief Justice Jay says: “At the Revolution the sovereignty devolved on the people; and they are truly the sovereigns of the country.” “The citizens of America are equal as fellow-citizens, and as joint tenants in the sovereignty.”

Justice Wilson, of the same court, says: “Of the right of the majority of the whole people to change their government, at will, there is no doubt.” It is this “one great principle, the vital principle,” “which diffuses animation and vigor through all the others.” He says: “The principle I mean is this,—that the supreme or sovereign power of society resides in the citizens at large; and that, therefore, they always retain the right of abolishing, altering, or amending their constitution, at whatever time, and in whatever manner, they shall deem expedient.” “In our government, the supreme, absolute, uncontrollable power, remains in the people. As our constitutions are superior to our legislatures, so the people are superior to our constitutions.” The consequence is, that the people may change the constitution, whenever and however they please. This is a right of which no positive institutions can deprive them.

Mr. Rawle, a distinguished commentator on the constitution of the United States, in speaking of the mode of amending a constitution, remarks: “The people retain—the people cannot, perhaps, divest themselves of the power to make such alterations.” “The laws of one legislature may be repealed by another legislature, and the power to repeal them cannot be withheld by the power that enacted them. So the people may, on the same principle, at any time alter or abolish the constitution they have formed. If a par-



ticular mode of effecting such alterations have been agreed upon, it is most convenient to adhere to it ; but it is not exclusively binding."

It is impossible to misunderstand language like this. It might be suggested that the people referred to are those who are recognised as voters by constitution or laws ; but the language used is too clear to admit of such an interpretation. It is the whole people, the people at large, who have the right to change the institutions under which they live. Nor is this a dangerous doctrine in its practical application. This I believe is the only State in which the majority of the whole people do not partake of the electoral privilege. All other States have written constitutions, with precise provisions for their amendment. It is hardly possible for a case to occur in any other State, which would require the interposition of the people in any other than the prescribed mode. In all others suffrage has been enlarged, and all complaints respecting a limitation of suffrage or inequality of representation have been redressed without any very protracted delay. The constitution will here also be regarded as a final measure. While we assert the sovereign right of the people in our own case, and presume not to limit its exercise under possible exigencies not now foreseen, and of which every generation must judge for itself, we have no reason to believe that Rhode Island will be an exception to the general rule in other States, or to doubt that its constitution will become a permanent as well as paramount law, to be altered or amended according to its prescribed mode.

But, whatever opinions may be entertained respecting the right of the whole people to change a constitution in any other than the prescribed mode, where such a mode exists, there is a point in our case to which the attention of every one should be closely invited. Until the adoption of the present constitution, there has been no mode prescribed in this State, either by the charter, or by any law or usage, for amending our form of government. The charter contains no such direction ; being a royal grant, the power to amend by a supplemental charter remained in the grantor, and needed no specification. The charter contains a very general authority to make all necessary laws ; but they must be consistent with the royal prerogative, and with the rights of parliament. The power of amending the charter passed over to the people of the State, as an incident to their sovereignty, at the Revolution.

In the absence of any such provision, it is a totally unfounded assumption in the charter Assembly to pretend that the proceedings of the people are null and void for want of a compliance with law, when no legal or other provision exists upon the subject. All that the General Assembly have ever done, has been to request, in their own form, the freemen to assemble and elect delegates to form a constitution.

The freemen, if they saw fit, might at any time have chosen such delegates, without such a request, in their own form, and with an equally valid effect. Is it not apparent that the people at large have a still greater right to do the same thing in this State ? They have demanded in vain that any valid legal objections to their proceedings should be produced. It is to the last degree ungenerous and unjust that the freemen should set up their own neglect in years past to provide a constitutional mode of amendments as a bar to the action of the people, in the only mode in which they can act at all. When any disposition is manifested to amend our constitution in a different mode from that prescribed in it, it will be time for alarmists to

suggest the danger and instability that may possibly occur from any irregular action of the people.

But was this sovereign power of the people exercised, in fact, by a majority of the whole people of the State? We assert, with entire confidence, that it was. The voting was conducted as fairly as at any election ever held in this State. All challenges of voters were received and entertained. The moderators of the meetings, who received the votes, were not under oath; neither are those of their cemen's meetings. The town clerks, and wardens and ward clerks in the city of Providence, act under an engagement; and this is the only difference between the meetings of the freemen and those of the people. This difference will create no serious objection, when it is stated that the name of every man who voted for the people's constitution was written on his ticket; and that the ticket of every man who did not attend the polls on the three last of the six days of voting, in addition to his signature, was attested by that of some person who voted at the polls on the three first days. These proxy votes were but a small portion of the whole. Still further: the name of every man who voted was registered; and a copy of the register in every town and ward was duly certified with the votes. All the votes have been preserved in their envelopes for any subsequent reference. The votes were duly returned to the people's convention, and were examined and counted by a large committee. The committee reported that, as nearly as could be ascertained, the number of males in this State over the age of twenty-one years, citizens of the United States, and permanently resident, deducting persons under guardianship, insane, and convict, was 23,142, of whom a majority is 11,572; and that the people's constitution received 13,944 votes—being a majority of 4,747. After making every reasonable allowance for questionable votes, from which no election can be entirely free, it is impossible to entertain a reasonable doubt that a large majority of the whole people fairly voted for this constitution. The report of the counting committee was transmitted to the General Assembly at the January session, 1842, and a motion was made to inquire into the return of the votes polled; but it was negatived, as usual, by a large majority.

An attempt to impeach the return has been made, by drawing an unfavorable inference from the subsequent diminished vote against the constitution of the freeholders. But the attempt fails at once, when it is understood that a considerable number of those who voted for the people's constitution, and are now friendly to it, voted also for the freeholders' constitution, as a mode of obtaining a part of their rights and of terminating all controversies. Many who voted for the first named constitution, were excluded from a vote against the second by its suffrage provisions; and there were others who were qualified, but declined to vote at all.

At the election of State officers under the people's constitution, there were no opposing candidates; and, notwithstanding the powerful influences brought to bear upon the election, there was a larger vote by 1,600 than was polled for the officers of our opponents at the election held by the freemen. At this election, a portion of those freeholders who are the friends of the people's constitution, and who had voted for officers at the election held under that constitution on Monday, voted again for a constitutional candidate, and have been very strangely claimed, in consequence, by the party who sustain the old charter system.

When the constitution of the people is examined, without reference to

its origin, it is found that there are few objections made against it. It guards with great care all civil and political rights ; it establishes as equal a representation as the circumstances of the State will permit, and a senate to be chosen in districts under such an apportionment as to secure to a majority of the population a majority of its members. The freeholders' constitution, on the other hand, was rejected for many reasons—one of which was its defective provisions relating to suffrage, and its exclusion of the vote by ballot. The main objection was, that it entirely abolished the majority principle in our government. Under it, both the House of Representatives and the Senate were to be elected by towns and districts containing less than one third of the inhabitants of the State. The senators were also assigned to the districts, without scarcely any reference to their population.

By the nature of the provisions relative to amendment, any subsequent improvement of this instrument was rendered nearly impracticable.

At the session of the Assembly in March, 1842, the people's constitution came under the consideration of that body, twice ratified—directly by the votes of the people in its favor, and indirectly by the rejection of another instrument. But these repeated manifestations of the popular will were totally disregarded. A bill to conform the general election to the provisions of this constitution, and another to submit it to those who were qualified to vote under the constitution of the freeholders, were promptly rejected. A proposition was made to extend suffrage ; and a second proposition was offered at the adjourned session in April, for the call of another convention to form a constitution—the delegates to which convention were to be voted for by a constituency not much extended beyond the present freeholder. Both propositions shared the fate of the preceding.

Your attention will be required to the force law and resolutions recently adopted by the General Assembly for the suppression of the constitution. Laws like these, which violate in some of their provisions the well-known privileges enjoyed by the subjects of the British monarchy, could hardly find favor in the land of Roger Williams. These enactments have been regarded by the considerate men among our opponents as most impolitic and unjust, and by the people as null and void, because conflicting with the paramount provisions of the constitution.

Military preparations have been made by direction of the Assembly; and the people have been consequently put upon the defensive. But this is not the age nor the country in which the will of the people can be overawed or defeated by measures like these. There is reason to believe that a letter addressed to Governor King by the President of the United States was written under a mistake of the facts, occasioned by the misrepresentation of the character, motives, and objects of the constitutionalists of this State.

Our fellow-citizens in other States will perceive, from the exposition which has been made, without further comment, that the people of this State are engaged in a just and honorable cause ; and that they have taken the only course for the attainment and security of their just rights.

We are assembled in pursuance of the constitution, and under a sacred obligation to carry its provisions into effect. Knowing the spirit which you have manifested throughout this exciting controversy ; the moderate, but determined, course which you have pursued ; your love of order, and respect for all constitutional laws, and for the rights of all other persons, while engaged in the acquisition of your own, I hardly need to remind you



of your duty to cast behind you all injuries or provocations, and to leave them to the retributive justice of public opinion, which will ultimately appreciate every sincere sacrifice to the cause of truth, of freedom, and humanity. Entertaining the deep and earnest conviction that we are engaged in such a cause, and conscious of our own imperfections, let us implore the favor of that gracious Providence which guided the steps of our ancestors, upon this our attempt to restore, and permanently secure, the blessings of that well-ordered and rational freedom here established by the patriotic founders of our State.

The provisions in the constitution, relating to the security of the right of suffrage against fraud, and to the registration of voters, will require your immediate action. The State demands of its government an economical administration of affairs, and will justly complain of any increase of its ordinary expenses at the present period.

I cannot more appropriately conclude this communication than in the words of the constitution, which declares that "No favor or disfavor ought to be shown in legislation toward any man, or party, or society, or religious denomination. The laws should be made, not for the good of the few, but of the many; and the burdens of the State ought to be fairly distributed among its citizens."

THOMAS W. DORR.

PROVIDENCE, R. I., May 3, 1842.

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No. 214.

*Governor Dorr's address to the people of Rhode Island, August, 1843.*

*To the people of Rhode Island.*

FELLOW CITIZENS: Some time has elapsed since the intention was expressed by me of addressing you upon the affairs of our State, and the part which I have taken in them during the eventful period of the contest for the establishment of the constitution adopted by the people. The delay since my informal communication of June, 1842, for reasons of which you are well aware, could produce no injury to any interest of yours; and it is mainly a duty to myself that now calls upon me to explain more at large some of the events of the past year, and to disengage them, partially at least, from the misrepresentations with which they have been invested by the fertile invention, stimulated by success, of our political opponents. Statements have also appeared in the papers, without my request or knowledge, purporting to set forth my views, feelings, and intentions, which I must continue to exercise the right of expressing for myself.

You will understand me not as undervaluing the cause of the constitution and of equal rights—which to me is still great and just, which is dear to the friends of American freedom, and which has been made sacred by defeat—but as referring to my present inability to serve it. Having so much to say of my own personal concern in it, and regretting that some things must be said of others which I would gladly omit, and that they should on any occasion be placed in the wrong, I have approached the subject with reluctance and delay. I am not disposed to become the accuser of my associates. What I have done, if it be right, will stand of itself; and, if wrong, shall not

be divided among them. Of the general current of calumny which has been so unsparingly poured out for more than a year past, I have had nothing to say. The particulars in succession "have had their day, have been discoursed about, have been despised with their authors, and will be forgotten with them." They were false; they are not believed, and this is enough. Your attention will be asked to a general review of the facts of this controversy. In these the public are interested, and they have been industriously perverted. The review cannot be so brief as might be desired, and the repetition of many things before known is unavoidable.

I trust that the principles of political right involved in the Rhode Island question, with the authorities which support them, together with the annals of the time, will be submitted to the judgment of our fellow citizens, in an authentic form, and by competent hands, on some other and not too distant occasion.

*The recent controversy unnecessary.*

It will strike every one forcibly at the outset, and throughout the whole course of affairs connected with the Rhode Island controversy, that it was unnecessary, and that on various occasions it might have been prevented by the adherents to the charter government. But the experience of our own, if not of other American States, furnishes no exception to the rule existing in other parts of the world, under less favorable forms of government—that they who hold unjust power will not readily part with it; and that the more unjust it is, the more tenacious the grasp with which it is retained.

Here, as elsewhere, the real aristocrat is he who, rich or poor, is not satisfied with the possession of his own rights, but seeks to retain or to possess himself of a part or the whole of the rights of his neighbor. And the distinction of our country is not the absence of aristocracy in all its forms, but the supposed ability of the mass, through themselves and their institutions, to protect and defend themselves against its assumptions and machinations.

As is familiar to most of you, the people of Rhode Island would have been satisfied for the time with the beginning thus made, if the landholders' convention of 1824, assembled to form a constitution, had added to their other propositions an extension of suffrage to the leaseholders of real estate. In 1834, the convention similarly organized, and for the same purpose, would have given general satisfaction by an extension of suffrage to all tax payers. In 1841, the people of the State called for the possession of the just and equal rights which belong to the citizens of a democratic republic. The legislature might, at any time, have altered the statute which establishes a landed qualification for voters.

The people looked earnestly toward the old charter government for the attainment of these rights, so long as there was the smallest appearance of success to justify their reasonable expectations. From habit and expediency, they were disposed to await the operation of accustomed forms, and through them to derive the benefits which were their due, and indisputably their due, to the most ordinary apprehension of political justice. It was not until the last moment, and when all recourse to the charter Assembly was cut off, that the committee of the mass meeting of citizens held at Providence on the 5th of July, 1841, in pursuance of the instructions of that meeting, called a convention of the whole people to devise for themselves a new and more liberal form of government.

At the preceding May session of the General Assembly, a bill was intro-

duced to admit the citizens of the State to a participation in the choice of delegates to a convention to frame a constitution, which convention had been called by the legislature at the January session, 1841. This bill was drawn by me, and handed to the member who introduced it. To disarm opposition, and to give the bill a better chance for a passage, this member, of his own motion, at the same session, struck out the clause embracing resident citizens in general of suitable age, and inserting *tax-payers* in addition to the freehold voters. The bill, notwithstanding the very moderate amendment thus introduced, was voted down by the overwhelming majority of 52 to 10; and it was thus conclusively settled and determined, in a State where no form existed for amending its institutions, that the freeholders and their oldest sons only should be called upon to frame a constitution for the government of all. Repeated experience had shown, during a course of years, that a convention thus organized would concede little or nothing to the people, and would reproduce as nearly as possible the old charter government with a change of form. And this opinion was demonstrated to be correct by the action of this last convention, which refused to consent to anything like a liberal extension of suffrage, till February, 1842, two months after the *adoption* of their constitution by the people at large, when the convention adopted a provision of suffrage far less extensive than that in the people's constitution. It is true that an extension of suffrage was made to a large number of voters for and against this constitution, who were not permitted to vote for the delegates, and to have a part in making it; and it was voted down.

And, once more, it was not till it was understood by the charter Assembly sitting at Newport, in June, 1842, that a gathering of citizens at Chepachet had taken place for the defence of the people's constitution, that a bill for the call of another convention to frame a constitution was passed. The report of the gathering at Chepachet, which preceded the introduction of the bill into the House of Representatives, being at first doubted, the bill was not acted upon; but the report being the next day confirmed, with considerable exaggeration, the bill was forthwith taken up in the Senate, and rapidly passed through both houses, without the projected amendments to diminish the constituency of the delegates; and this, notwithstanding the ground taken on the charter side, that the legislature had no power to admit any but landholders to vote, and that nothing could be done while the people threatened.

Thus it is true, from beginning to end, that the minority of one third of the people of Rhode Island never intended to admit, and never did admit, the majority of the people to take part in the formation of a constitution, until a portion of this people had appeared in arms in the last resort. And it will also be understood from this statement, on what ground it is asserted that to this small body of men assembled in arms, upon whom so much calumny has been heaped, are the people indebted for all the freedom which now exists under any constitutional form in Rhode Island.

#### *Origin of the late movement.*

The movement of the people in favor of a constitution, which commenced in the latter part of 1840, was a continuation of other attempts to accomplish the same object which had been uniformly unsuccessful. And here let me say that I had no part in originating this last movement. It was got up, as I have been informed and believe, by the firemen and mechanics of Providence, who deemed themselves as well qualified to vote for their ru-



lers, as to do their work and to protect them from conflagration. The part I have had in public affairs commenced in 1834, by an election to the House of Representatives from the city of Providence; and the great object to which all the abilities I possessed were devoted was, as you will recollect, the establishment of a republican constitution through the forms of law. The constitutional party of freeholders, through whose action upon the politics of the State the reform was sought to be accomplished, after exhibiting some signs of animation, gradually expired, not having attained four years; and its obsequies were performed by an early and constant friend to reform, (Dr. Metcalf Marsh, of Smithfield,) and myself, who were the only delegates present at the last convention. In fact, it was treated as a matter of ridicule that the freeholders should be requested to give away their exclusive power, by admitting other classes of citizens to the polls. The spirit of the charter interest was accurately expressed by one of their number, when he said, "You ask us to give you your rights; but this is not all—you ask more, and will take ours with them; for my vote will not be worth half so much as it is now, when you all have the same privilege;"—the essence of aristocracy here and everywhere. I have ever since abided by the exposition of principles relating to popular rights, which I had the honor, with other friends to reform, of addressing to the people of the State in 1834. But, looking back to a campaign of nearly four years, and regarding my political position, I preferred that any new attempt should proceed from those who were most interested in it—the non-freeholders themselves, in their own time and by their own motion. Through the natural operation of causes which still continued, the movement of 1840, in the organization of suffrage associations, was originated; and it was carried forward with unexampled enthusiasm. It commenced without any knowledge of it on my part. My views were known to be the same as in 1834; I believed the people were politically oppressed, and trusted that they would eventually gain their rights; but I had attended no meetings, public or private; and it was not till several months had elapsed, that I was invited to address the friends of reform. The request was not immediately complied with; but, being satisfied that the contest was now resumed in good earnest, and required no urging on my part, I accepted the invitation of my friends, and avowed myself a supporter of the revived constitutional cause. I have said so much on this point, not in the way of disclaiming a connexion with the reformers at the outset of their righteous enterprise, but that the honor thus ascribed to me may be assigned to those to whom it justly belongs; and in reply to a suggestion of our opponents, that this was a mere political excitement got up by a few party men, to influence the general or local politics of the State.

### *Principles maintained.*

Although, as has been already stated, the constitutional party of 1834 were ready, in a spirit of compromise, to stop short of the full measure of the right of suffrage, yet it is gratifying to me in the retrospect to perceive that, in setting forth the claims of our fellow citizens at that early day, I did not fall short of the true standard of democratic principles. Government was represented not as the creator of rights, but as created for the better defence and protection of natural, inherent rights, derived from the Author of our existence. The natural right of suffrage instituted political society, and is a portion of the liberty which that society is sacredly bound to maintain.

in the execution of its trust. Democracy guards all rights, property included; but looks first at the man himself.

I have earnestly contended against the foreign, anti American doctrine, which has been so sedulously inculcated by the aristocrats of this country, and is favored by many of the forms of speech familiar to those of an opposite faith,—that suffrage rests upon the concession, favor, or grant of the ruling power; and is a franchise or privilege to many or a few, as reasons of state may render expedient. However it may be elsewhere, there is no portion of the community here authorized, as better than the rest, to say who are, or are not, fit to partake of political rights. For these, the American citizen is not properly a suitor to his equals. Instead of being called upon to show cause why he should be admitted to a share of the common political inheritance of universal suffrage, the burden is on the other side—on the society, to show cause why he should be excluded, for a sufficient act or defect, from what naturally belongs to him.

While the foreign *subject* may have occasion to say “with a *great sum* obtained I this freedom,” the prouder title of the American *citizen* is, “but I WAS BORN FREE.” He is taxed because he is a citizen, but he does not vote because he is taxed. He votes because he is A MAN in a free country, whom democracy regards politically as the brother and equal of all others; and, as such, he is bound to bear, in his just proportion, the burdens of the State.

Sound and indisputable as these principles are in the estimation of real democrats, they are far from being generally reduced to practice. On turning to some of the State constitutions, we find that the citizen is obliged to purchase his rights in some form, either by money or service; and that the political worth of a man is thus in some degree measured by his means, and the poorer are treated as an inferior order in the State. The sooner these remnants of the old leaven of aristocracy are purged from our constitutions, the better for the consistency of our political party, and for the growth and stability of the principles on which it rests.

Notwithstanding the loud notes of “law and order,” and their variations, in Rhode Island, there is reason to believe that it was not so much the want of form and authority in our proceedings that gave offence to the chartists, as the free and just principles which pervade the constitution of the people.

### *Proceedings of the people.*

The people of Rhode Island having found that all expectations of relief from the charter authorities, who for more than forty years had resisted all the demands of justice, and had repelled the more recent applications of petitioners with scorn and contumely, were illusory and vain, and that further delay was an outrage upon unalienable rights, as well as inconsistent with self respect; believing that under the American system of government the people are, and were intended to be, superior to their rulers, and that forms are devised, not for the prevention, but for the protection and furtherance of rights; believing that the sovereignty of the State was vested at the Revolution, not in the organization of the State government, but in the people themselves, and that they needed no request or permission from the legislative servants (themselves acting upon delegated powers) for its proper exercise; believing that the declaration of American independence was not the emanation of a transient enthusiasm, or a rhetorical exaggeration for political ob-

jects, (as has been lately asserted,) but the deliberate exhibition of just principles, and of sacred, unalienable rights, in perpetual memory, to all coming generations of American freemen, that they might know the way of their fathers, and walk in it, and maintain it; believing, also, that the Rhode Island freeholders' declaration of 1790, which, equally with the declaration of independence, sets forth the right of the governed, the people at large, the posterity of the existing generation, to make, alter, and amend their form of government, as the greatest good (of which they are the competent judges) shall require, was upon its face, and by the evidence of history, the cautious and deliberate re-production of the same great and unchangeable verity in our political system; believing that one generation cannot bind another to any form of political injustice, and finding in Rhode Island no prescribed mode, either in the shape of a constitution, charter, law, or usage, for exercising the inherent right of renovating and reforming their government, to which expediency and convenience might render it advisable to conform—in the free exercise of their just powers, and in their original and sovereign capacity, proceeded to form and adopt a republican constitution, which rightfully became the paramount and supreme law of the State.

*Vote for the constitution.*

This constitution was voted for by a large majority of the adult male citizens of the United States, permanently resident in the State. Nearly a majority of the whole people voted for the constitution, in person, at the polls. The remainder of the votes were given in by proxy, (a mode of voting well known to the early laws of the State,) with the attestation upon each of some person who had cast his vote at the polls. The votes were returned to the convention which framed the constitution, and were carefully examined and counted by a large committee. I was a member of the committee, and believe that the result was accurately declared by the convention, upon evidence as satisfactory as that by which the result of any election, before or since, has ever been announced. I was disposed to take nothing for granted in a matter of this vital importance, and had the best reason to believe, with those who were associated with me, that the foundation of our title was firmly established. These votes were carefully authenticated, and have been safely preserved. By vote of the convention, a general permission was given to the secretaries to issue copies of the lists of voters, returned with the votes, to those who might apply for them. Lists of the voters in a majority of the towns, (I believe in all the larger towns,) were thus put in circulation, and underwent the vigilant scrutiny of those most concerned to detect the existence of unauthorized votes. The returns were found to be in the main correct, with exceptions not materially affecting the accuracy of the result, and leaving, after all the reduction of our opponents, a large and undisputed majority of the whole people.

The question of fact, whether this constitution was thus adopted or not, surely cannot be affected by any subsequent votes, either in the election of officers, or upon other constitutions proposed to a portion of the people. The delivery of copies of the lists was suspended only when it was discovered that the principal use made of them was to subject the voters to an inquisitorial process for the opinion which they had thus freely expressed. A list of all the voters and of their votes ought to be, and no doubt will be at a proper time, presented to the public, in verification of the fact which lies at the foundation of all our proceedings.



*No investigation by charter Assembly.*

But not only were the people's party convinced of the adoption of the constitution by an authentic act of the majority, but they furnished an opportunity to the charter party, in possession of the existing government, to inspect the evidence of the fact, and to institute a thorough scrutiny, which would have disclosed all irregularities, if any existed, and have placed an effectual negative upon all further proceedings, by setting aside the title upon which they rested. And this might have been done without a concession on the part of the legislature that any rights had been established, through a mode alleged by them to be defective. As a strong expression of public opinion, to say the least, the vote of the people demanded of them an investigation. If the fact that a majority had so voted had been ascertained, the question of right, in the estimation of the Assembly, still remained open. If the majority claimed had been proved to be a false assumption, or any serious doubt had been raised respecting it, the controversy in the form in which it presented itself would have terminated.

When the General Assembly refused to make any examination of these votes, they admitted their existence as alleged by the opposite party, and they were driven to rest their case upon the rightful effect of these votes, and to deny that the people, without their authority, could reform the government of the State.

Before the election of a government by the people the constitution had been *thrice* ratified; by their direct vote, by the admission of their opponents, and by the defeat of the landholders' constitution which had been proposed as a substitute.

*Candidates for governor.*

Among the candidates for the offices under the new government, I received the honor of being proposed to the people for governor of the State. The nomination was not sought nor declined by me; and it was not accepted till it had been declined by three others to whom it had been tendered—one of them of opposite political sentiments in general politics—and until there was reason to apprehend the failure of a candidate, from a reluctance to assume the responsibility which the times imposed.

*A government elected.*

The government under the constitution was duly elected; and it remained, by its organization, in the prescribed form, to give a complete effect to the authentic will of the people of Rhode Island. Thus far, every step had been carefully and successfully taken. The sense of justice existing in the political community, even among many who questioned the regularity of the proceedings of the people, was on the side of the great majority who had been so long excluded from the birthright of American citizens. It was believed that they had suffered a palpable injustice in the long postponement of their claim to a participation of political power; and their apparent determination to complete what they had commenced, in the same spirit with which it had been carried on, inspired the general expectation that they were approaching the successful issue of the great enterprise in which they were engaged.

*Meeting of the General Assembly—action expected of them.*

On the 3d of May, 1842, the General Assembly under the new constitution met at Providence; the government was duly organized; and its officers assumed their obligations to maintain it, and faithfully to discharge the duties which had been severally imposed upon them. The period for decided action had now arrived. If the government were such, it was entitled to sit in the usual places of legislation, to possess and control the public property, and to exercise all the functions with which it was constitutionally invested. A government without power, appealing to voluntary support, destitute of the ability or disposition to enforce its lawful requisitions, was no government at all, and was destined to extinction. It was impossible to mistake the position in which we then stood; and, as it is well known to you, it was my strong opinion and desire that, when the legislature had been organized, and all necessary preliminaries had been completed, they should forthwith assume the control that belonged to them over the public property, and proceed to the work of legislation in the place occupied by their predecessors. Had this step been taken, right would have been confirmed by possession, the law and the fact would have been conjoined, and the new order of things would have been acquiesced in by all but a minority powerless, though aided from abroad, for any effectual opposition. I believe that many of the more candid of our opponents are now ready to make this admission. The prompt use of the moderate degree of force which was necessary at this critical point of affairs, would have rendered any greater force unnecessary, would have removed the danger of subsequent violence and of bloodshed, and would, in all probability, have insured, without leaving any room for regrets, the consummation of our desires and exertions.

*Action postponed.*

But the action required by the occasion was postponed. The majority of the House of Representatives preferred to *request* the surrender of the custody of the State house; and shortly before the close of the session of two days, the Assembly passed, without dissent, an act *requiring* all persons to deliver to the proper custody the possession of any public property in their hands, leaving the execution of it, with the other laws and resolutions, to the future attention of the chief magistrate.

Looking back from the point at which affairs are now to be surveyed, we can see too clearly that it was here that the cause was defeated, if not lost. The tide was at the flood, and leading on to prosperous issues. The numerous array of our brethren in arms on the occasion of the inauguration, about 800 strong, were both prepared and desirous to maintain the government of their choice, and to perform all its legal requisitions. The necessity of action then, to render action afterwards unnecessary, was so apparent to my mind, that when it became certain that nothing would be done on the first day, the officers of the Providence escort were directed to be in readiness with their men, for any orders, on the next day. The delay in counting the votes, and reporting the organization of the government, made it so late in the afternoon, before the delivery of the message was completed, that most of the escort from other towns had returned to their homes. I have reason to suppose that the opinions of our military friends coincided

with my own on the point in question, and that they went back from the duties of the day disappointed at the untoward beginning of the new order of things in Rhode Island.

In the mean time, the opinion of the legislature in favor of inaction was strengthened by conference among themselves, and by the exertions of some of their number. In the eyes of their opponents, they had risen from misdemeanor to treason. They seemed to themselves to have done enough for one day, in securing the constitution by an actual organization; although, by omitting the decisive measure, they had practically done nothing; and, by suffering the critical moment to pass by unimproved, they lost the accession of all the doubtful and wavering in the community, who were waiting for a result; and they weakened the confidence of their friends, by exciting a doubt whether they felt confident of being in the right. I look back to this crisis with feelings that cannot be described. What I then said and felt, some of you can attest. Nothing was done. Having lost the tide, our enterprise was cast among shoals and quicksands; a series of misadventures and ill-sustained efforts for retrieval ensued. You know the rest.

It may be said that I ought to have paid no attention to the legislature, or to have overruled their opinion; and that, in the exercise of authority, which the critical exigency of the time would have justified, I ought to have taken immediate possession of the public property, and to have seated the legislature in the State-house. If they had resigned their places and abandoned the government in consequence, affairs would have speedily terminated, without the prolonged agony which ensued. I feel the force of this suggestion. And if it be just, although it was my function not to make the laws or to direct the law-makers, but to execute their acts and orders, then am I not without blame for the failure of the session. The course indicated might have worn the appearance of an executive magistrate, in his first act, coming in collision with the legislature, and seeking to bend them to his wishes, and risking the danger of a disruption. Be this as it may, if anywhere, it was here that some of us came short of our duty to the people whom we represented. I am willing to commit the question to their candid judgment, to whom the censure shall be assigned.

*The Assembly deterred by the threats of Tyler.*

It will be asked, why was not a resolution to occupy the State house, and other public property, immediately passed by the acclamation of both houses? Doubtless there were many who had overrated their own purposes, and who found it easier to declare in advance what ought to be done, than to meet the requirements of the day when it arrived. But what principally operated upon the minds of the members, as I suppose, to deter them from promptitude of action, was the apprehension of an armed intervention by the national executive, and the desire to avoid a collision. On this subject I cannot avoid dwelling somewhat at large, as its importance demands. Through the effect thus produced, the action of John Tyler, casually occupying the place of President, was the principal cause of the overthrow of the government and constitution of the people of Rhode Island; and he has thus dealt a blow at the institutions of his country, for which, when his other acts are forgotten, he will be remembered. It is seldom that, in a country boasting of a free government, it is in the power of an



individual thus to wrong and afflict the people of a whole political community, and to impress himself with such marks of odium upon their annals. President Tyler, by the advice and instigation of his Secretaries Webster and Spencer, has inflicted an injury upon our people not easily to be repaired, and under circumstances which show him to be a deliberate aggressor. No case had occurred, under the constitution and laws of the United States, to authorize any intervention on his part in the local affairs of a sovereign State. There has been no "insurrection," no "domestic violence," no resistance to an authorized government, no attempt to impair the execution of the laws. The people's government had not been elected. All that could be said by the commissioners of the charter party, who were delegated to Washington to solicit the employment of the national troops against their fellow-citizens at home, was, that the great majority of the people had voted for a constitution which was too liberal to please the minority, and without their permission or request; and that, if the majority proceeded to set up a government, and to make their constitution effectual, the commissioners apprehended that such an act might be regarded as an insurrection, or lead to domestic violence by the charter government (if it should persist in contravening the will of the majority) against its popular substitute. This was all that could be properly said. But if, as their friends at home have asserted, the commissioners went further, and represented to the President that the charter party of Rhode Island was the party of the President's political friends; and if they held up, with a distinctness sufficient to be intelligible to a prospective candidate, the contingency of the electoral votes of the State, they were not wanting in the diplomatic adroitness which their business required of them, nor insensible to the predisposition of the individual with whom they were negotiating.

#### *Grounds assumed by the President.*

Two things were by him taken for granted, which have not been, and I trust never will be in this country, admitted by the people—viz: that the people have no right to change a government, in a peaceable and authentic manner, without leave from the existing legislature, whether it represent a majority, or only a small fraction of the people; and that the President of these States is the constitutional umpire of State rights, authorized to settle all domestic questions of this kind summarily with the sword, in case of the non-acquiescence in his mandate to the offending party, in favor of that which he espouses.

#### *He denies the sovereignty of the people.*

The important question of fact, whether the people of Rhode Island had actually, by a great majority, instituted another form of government, republican in its character, as required by the constitution of the United States, was immediately set aside by his unwarrantable assumption that the form is everything, and the substance nothing; and that, for want of form, the acts of the people could not be regarded or inquired into for a moment. The matter of fact considered by the President was, whether the people of Rhode Island had been invited, authorized, or commanded to form and adopt a constitution by their superiors, the servants of the minority representing them in the legislature, Finding that this constitution had been

framed and adopted without any such formality, in the original, sovereign right of the people, he at once assumed the ground that the whole proceeding was null and void, and liable to be arrested by the military power vested in his hands;—an assumption at war with the declaration of independence, and with the constitutions of the States, and which completely overthrows the fundamental principle of our democratic republics—the sovereignty of the people; not of the favored few, but of the whole.

The doctrine of the present anti-republican administration was, and is, that the sovereign power, (the power which democracy regards as the creator of the legislative, judicial, executive, and all other political powers in the State—itsself original, ultimate, underived, and forever vested in the hands of the whole people,) notwithstanding the unequivocal purport of our declarations and constitutions, the clear current of authorities, and the opinion of the ablest statesmen of all parties, from the revolution downward to the present day, is vested in that political formation denominated the State. It may be admitted by some politicians of this school, that the people originally, before government is instituted, have equal rights to participate in the act of formation; but they contend that, afterward, all changes must originate in the will and authority of the State, expressed by its officers, whether representing the whole, the majority, the minority, or, through the decays of the “rotten borough system,” the smallest fraction of the whole mass. The sovereignty is in the organization, and not in those who organize; in the system devised by the people, and not in the people themselves; in the governed, the majority of the whole mass, who constitute the people of a country.

This doctrine was embodied in a letter, said to have been prepared by the Secretary of State, addressed by President Tyler to Gov. King in April, 1842, in which it is set forth most explicitly that no valid change of a State government can take place without the consent of “THE AUTHORITIES AND PEOPLE,” the authorities being first in time and importance, and the agency of the people being secondary, and of course subject to the impulse and control of their public servants.

#### *Views of the Secretary of State.*

The Secretary of State, Mr. Webster, was subsequently still more direct and positive on the point we are now considering. He declared in May, 1842, that in a political point of view the people of a State are to be regarded in the light of a corporation. The individuals holding a right to vote are the members of a body politic. The government are the directors; and when it is asked what acts have been done by the corporation, the sole reference must be to its record, or a transcript authenticated by the recording officer and by the corporate seal; so that an inquiry whether the people of Rhode Island have adopted a constitution, must be simply, what is the evidence of the authorization and of the result of their proceedings under the hand and seal of the charter officers? To show, by proof from without, that nineteen out of twenty of the corporators have voted or acted in a particular manner, is no evidence of the act of the corporation; and without the due certificate under hand and seal of charter officers, it matters not how many citizens have voted for the people's constitution. This is an inquiry which cannot be gone into. It is, says Mr. W., a revolution, (meaning the attempt to reform the government in Rhode Island.) If the men of the rev-

olutionary war had not succeeded, they would have been hanged. They understood the consequences, and it was all fair. From which I infer, that, in the view of the then Secretary, no principle was involved in the revolutionary contest to justify the venerated patriots of that day in their struggle for the establishment of their unalienable rights. They contended nobly, and with success; and a monument has arisen to the heavens on the field of their early encounter, to indicate their undying names to all succeeding generations. And yet their success was the criterion of their merit, and of their claim to the grateful reverence of posterity. If they had not succeeded, they would have been—and more than this, in all fairness ought to have been—suspended by the neck, and on the spot first signalized by their formal resistance to the myrmidons of British despotism. It is not surprising that an individual entertaining sentiments like these, which breathe the genuine tory spirit of days gone by, should, at a recent commemoration, have preserved a perfect silence respecting the *principles* in the presence of the *men* of '76. He praised their actions because they succeeded, without affirming the right to contend and to succeed, (the American right,) without leave of the "authorities" of Great Britain, and without any other name, save that of God and of their country, to resist and beat down their oppressors. Had the monument on Bunker Hill been raised by a British party to immortalize their *success* in the extinction of the American cause, and of the patriots who defended it, can it be doubted that the distinguished abilities of the orator of the day would have been at the service of that party, to celebrate their principles and their acts, to which *success* had set the rightful seal of truth, and which had thus been commended to the respect and honor of the American people? Let it be added that Tyler and Webster claim to be the followers of the illustrious author of the declaration of independence—the first originally, the second afar off, and with the spirit of recent adoption; and the picture is completed.

*"Anarchy and confusion" apprehended.*

I know it will be said, perhaps, by a majority of a large political party in this country, who would feel aggrieved to be denominated the successors of the tories of the Revolution, that the President and his Secretaries were right; that they ought not to have considered for a moment the proposition that the people at large in one of our States—the governed—the community—have a right in any case of injustice, however long continued and aggravated, to take their own affairs into their own hands, and to make a written constitution where none exists, or to change a constitution already in operation; because such a concession would open a door to anarchy and confusion, and unsettle the foundations of regulated liberty. But let it be asked of those who hold such an opinion, whether they do not practically take side with the opposers of the American Revolution, and on precisely the same ground, and with the very language which they employed? Do they not impugn the formation of our State governments, and of the first Congress, and of the national constitution itself, which was framed by an assumption of authority on the part of the delegates to the convention? And is it true that there is a tendency to anarchy and confusion in the principle for which we contend? It is rather a principle of order, of stability, and of peace. Let us bring together the right contended for, and the danger apprehended, and see if they stand in the connexion of cause and effect.



*A groundless apprehension.*

So long as the spirit of freedom kindled in this country at the Revolution shall continue to exist—that is, so long as the attributes of the Saxon race shall remain unimpaired—the people of our States and of our country can never be expected to submit permanently to any great practical injustice in the form or administration of the government under which they live. The Saxon-American will have his rights. This comes of his blood and origin. If his rights are not conceded, when his patience has been exhausted he will take them. He understands perfectly that political is the only safeguard of civil liberty; that, in order to derive the benefit of good laws, it is indispensable that he should have a voice in choosing the makers of the laws. He not only claims, in the spirit of English freedom, to be well governed, but to govern himself. It is one of the great blessings of our country that such a spirit of independence, and such a sense of justice, are so deeply infused into the people; and that the constitutions of the States in so great a degree protect them in their rights, and provide so generally for the convenient amendment of all imperfections in their own structure. But still there must be somewhere a reserved power—"a power behind the throne greater than the throne itself"—or there is no ultimate protection of natural rights; and the boast that American institutions differ in their basis from the monarchies of the old world, is empty and fallacious. The difference between them, in this view, is, that the American governments were better at the start, and are more just and better arranged; but, being set in operation, they are all the same as those of the old world in their relation to the people, who are subordinate to the forms by which they are surrounded—the creatures of the State—the servants of the "authorities" who govern them. The great foundation of our American system is thus effectually nullified. It is not true that, in the United States, all just government is derived from, and rests upon, the consent of the governed, as the declaration asserts. It is not true that the governed have a right of themselves to help themselves whenever old forms become injurious and oppressive, however expressly such a right may be guaranteed in the constitution, and taken out of the definition of Revolution, by being recognised as a principle of the government itself. And thus, after all that has been so often and so inconsiderately said upon the days of the returning anniversary of our national existence, there is no remedy in the last resort but direct and *unauthorized* force for inveterate evils in the body politic. The consequence is inevitable. Force will become the arbiter of right, as it now is in the countries of the old world.

*Importance of the reserved sovereignty.*

Other cases similar to that in Rhode Island may arise. Although the modes provided for amending the State constitutions may now appear to meet all cases that may occur, it may not be so always. By the operation of causes not now estimated, by the relative decrease of population, by legislative usurpation, by false constructions, by the increase of wealth and luxury, by the growth of monopoly and artificial interests, and in all those ways in which political power is gradually stealing from the many to the few, inequalities not now conceived of may disclose themselves in our political systems, portentous in their character, and threatening, unless speed-

ily eradicated, seriously to impair or to overthrow the liberties and the institutions of the country. I ask, then, where is the true conservative element of our system, if it be not in the reserved sovereignty of the people? In the cases supposed, of unjust power accumulated in the hands of minorities, will it have a tendency to restore the equilibrium, to keep constantly before the minds of the ruling minority that they are the sovereigns of the State; and beyond control or responsibility; and that the measure of right to the majority is what they have got, or what the minority choose to concede to them? Will it satisfy the people, and be a means of pacification in the State, to hold out the sword as a barrier to reform, if that reform shall be unpalatable to the prevailing oligarchy? Is it a measure of peace to invoke the aid of the General Government to force back the people of a State within the limits prescribed to them by an imperious faction? Will it defeat injustice, and restore equality, for the General Government to promise its aid to a faction, so long as it will hold out against the will of the majority? If this be the way of peace in this country, then must some change come over the spirit of this people, which shall divest them of all their more robust qualities, and render them unworthy of the inheritance purchased for them by the blood of the revolution, and fit only to be the slaves of a corrupt aristocracy, who, "booted and spurred," shall "ride them legitimately by the grace of God."

*Effect of the opposite doctrine.*

On the other hand, it is equally manifest, that to cherish the spirit of equality, constantly to assert the worth and importance of the individual man, and to maintain the conjoint sovereignty of all, must have the effect of preserving a wholesome balance of power in the political system. The humble individual realizes his value as an integral part of the common mass. The loss of all things leaves him yet a man, with a voice in the State. The State did not make him what he is. He looks to a higher source for the origin of rights, in the exercise of which, conjointly with his equals, the State itself has been created.

This doctrine of sovereignty, beyond and superior to all existing institutions, is only the extension to the men of political society in the mass, what every democrat affirms and believes of them individually, as the possessors of native and unalienable rights, conferred by the hand of God, and which it is the purpose of government not to give but to strengthen and protect, in the name and with the power of the whole people.

Where these principles are carefully guarded and maintained, and enter into the apprehension and imbue the sentiments of the community, the political state will not fail to conform itself, and without intolerable delays, to the mind and will of the people. The certainty that exists, that no wrong can be permanent, that those who hold unjust power under existing forms must surrender it, and accommodate themselves to the spirit of the age, and the demands of their co tenants in the sovereign power, is a perpetual admonition to the spirit of injustice and exclusiveness that might be otherwise disposed to get and keep all it can, and, as in the infatuated aristocracies of the old world, to concede nothing until concession is too late, and the people have already helped themselves.

Deny these principles, and exclude this ultimate sovereignty, and you cast the State into a rigid mould of uniformity; you make its defects perma-

ment; you encourage the aristocracy, which is growing upon us, to resist every change; you blot out the original, distinctive character of our republic, and vest in the interests of the day, more especially the wealth of the country, not only the political administration, but the control of the *form* of the government itself, which is the index of the prevailing power in every country, and in the end will shape itself to it, as the shadow to the substance.

But let it be understood that the mighty hand of the people, which created the State and its institutions, though now withdrawn and invisible, is still potent with its original energies; and let but a finger of that hand be pointed at the wrongs or corruptions which resist reform through ordinary and convenient modes, and bid defiance to the wishes of the majority, and the miracle is wrought. The barriers of time, and interest, and prejudice, and corruption, give way. The will of the majority prevails, and the practical working of the State is made to conform to the standard of equality and justice. The hand is withdrawn. Its use is suspended. The certainty that it exists, and can and will be used in the last resort, prevents the necessity of using it at all.

I cannot render to this subject the justice it requires, but a deep and earnest conviction of the truth and importance of the principles asserted will justify me in dwelling upon them. Whenever the people of these States shall so far forget the origin of their institutions as to believe themselves the creatures of the government, and that all their rights are derived from it; that what the State concedes is the measure of their privileges; and that they are the subjects of a sovereign power, and not the equal participators of that power, they will be ready to become the instruments of the prevailing aristocracy, whatever may be its form; our government will be changed, and will subside into the mere arbitrary regimen from which it emerged. Give up the vital principle which animates our American political system, and nothing but its form separates it from the aristocracy and monarchy of Europe. Time and wealth will do the rest. I am the friend of "regulated liberty," but still more friendly to the right of the people to make the regulations by which their liberty is defined and protected.

*The President claims to arbitrate upon the rights of the people with the sword.*

But not only does the President, with his administration, assert that the people in a State have no right to amend their institutions without the permission of the *authorities*, but he also sets forth the dangerous doctrine, so well calculated to alarm the democracy of the country, and all friends to the constitution, that the national executive is the ultimate judge and umpire in all questions of the kind that may arise in the States; and that, in default of obedience to the Executive mandate, it may be enforced with a strong hand, and the contumacious, (or "*insurgents*," as they are denominated,) may be overthrown and put to the sword. This is the plain meaning of the President's letter, rendered unequivocal by his actions. If this be the true doctrine in such cases, as it now stands uncorrected, then we have in our midst the elements of a great central despotism of the most odious, as well as destructive character; and those distinguished anti-federalists were not far from the truth, who declared that the convention had provided in the constitution a President with an all absorbing power whenever, under favorable circumstances, he should choose to exercise it.



And this assumption is the more to be abhorred, because it is of a power obtained by stealth, in the usual mode of these encroachments, by a forced enlargement of powers undenied, and salutary in their legitimate exercise. The President is authorized to suppress "insurrections," and to quell "domestic violence;" and the cases to which his authority extends are readily perceived, not only from the necessary force of language, but from experience in the course of our history. The rising up against, and forcibly resisting in the exercise of its functions, or dispersing a duly constituted government, is one of the cases. So, also, when any of the laws or any lawful authority of that government is resisted or obstructed with violence, it is the right of the President, in the last resort, and when other means are inadequate, to lend the aid of the United States to sustain the government or the law. But the President stretches his authority far beyond this point. There had been no insurrection—no domestic violence in Rhode Island. The people had, in a peaceable manner, assembled together in their several towns, and elected delegates to a convention which had publicly and peacefully framed a constitution, which was in the same manner adopted, and under which the laws and officers were continued in force and in place. The people were about to meet once more, in a prescribed manner, to elect the officers designated by this constitution. When this constitution had been carried into effect, those who resisted the government under it would be, in the view of the constitution of the United States, the real insurgents and actors of violence. At this point, the President interferes; he strikes down the right of the people at a blow; he charges upon them that their further proceedings will necessarily be insurrectionary, and lead to violence; whereas he himself stimulated all the violence that was to be apprehended, by denying the sovereign, self governing right of the people, by casting his sword into the scale of one of the parties, causing it to preponderate, and by stimulating that party to acts which it would not otherwise have thought of.

What right had the President to assume that the charter party would hold out against the will of the majority? By coming to him to solicit his interference and aid, notwithstanding the fact that they had at their control the treasury and the military power, they had confessed themselves to be a helpless minority. If he had let the matter rest where it was, and, following the example of a democratic predecessor, as upon a similar application, had replied, that, when a case for his interference had actually arisen, he would attend to it, no exception could have been taken, and neither party would have derived an advantage. But, instead of this just caution, he enters at once into an exposition of State rights; lays down what the people can do, and what they cannot do; urges the minority to hold on, by the promise of military succor; and, to all intents and purposes, transfers to himself the ultimate sovereignty over the people. A lord paramount, or a supreme military despot, could do no more under the same circumstances; and such is John Tyler in his relation to the people of Rhode Island. If the doctrine of 1842 is to prevail, such may some of his successors become to the whole people of the country, without the exercise of that eternal vigilance, which is the price of our dearest and most valued rights.

#### *Assault on State rights.*

Look for a moment longer at the assault which has thus been committed upon State rights. The constitution of the United States was adopted in

separate, sovereign States, for specific objects, which experience had shown to be unattainable under the form of a confederation acting on the States themselves, and not upon the individual citizens. Under the State constitutions, which are somewhat indefinite in the grant of powers, the local governments practically exercise the powers which are not withheld from them by special reservation. The Government of the United States, on the other hand, was intended to exercise only such powers as were specifically granted, or indispensable by implication, to carry those which had been specifically granted into operation. This was the necessary restriction upon a limited government, without which it would become strongly centralized, and absorb the powers of the separate States.

Of the two great parties into which the country always has been and will be divided, the tendency of one has been to enlarge, by free construction, the original grant of powers to the Federal Government; of the other, the democratic party, (with occasional departures from the true principle, which the people thus far have rectified,) to confine the General Government within its original boundaries, and to preserve unimpaired the relative proportions of the centripetal and centrifugal forces of the system, as the only sure expedient for perpetuating both forms of government. We see, at the present time, the effect of these opposite principles and tendencies in the controversy pending between the two parties: the one contending for a national bank; an exclusive tariff; plans to subsidize the States; an indefinite system of internal improvements; an assumption of State debts;—the other rejecting all these measures of their opponents as inconsistent, not only with sound policy, but with the terms of the grant by which the national Government was carved out of the original powers of the several grantors.

These attempts at enlargement have been for the most part manifested in the legislative departments of the General Government, which, by their separate organization, hold each other in check, and thus give time to the salutary operation of public opinion upon each. But this last assumption by the Executive is of a still more formidable character, and more arbitrary than the others, as vesting in a single will the disposal of the reserved rights of the States and of the people, and by a forcing process in a part of the constitution where it would be the least expected that the authority would be detected.

The theory of constitutional rights is thus reversed by the Executive. No one has heretofore thought of looking into the constitution of the United States for a grant of sovereign powers to the people, for the plain reason that out of these pre-existing powers the constitution itself proceeded. Henceforth, enlightened by the logic of the President's advisers, we are to bear in mind that the States and the people are the creatures of one of the central powers which they are supposed to have created.

The citizens of the States are thus placed in a worse position than British subjects. In Great Britain, the sovereignty is by theory in the government, and not in the people. All reforms, therefore, must proceed from the government; and for the people to act on their own authority is treasonable. But the discretion which restrains them is not vested in one man—the head of the State—but in Parliament; and the conjoint action of the two houses is necessary to the imposition of penalties upon the subject for attempting to interfere with the jurisdiction of his superiors. It would be bad enough if the Congress of the United States should assume to dictate to the people



of the States the measure of their rights and the constitutions under which they should live. But it is intolerable when one man assumes to be the arbiter of their fates, to dictate to them the mode of procedure and the time of waiting for redress, and joins himself to one of the parties in a State to put down the other with the sword.

To the wisdom, the integrity, and patriotism of a Washington, a Jefferson, or a Jackson, if to any single judgment, might the citizens of a State be willing to commit the arbitrament of their political right; but they have no guaranty that the seats of these illustrious men will be always filled by successors of a similar character. In the vicissitudes of the political world, the chair of state may be occupied (though it is to be hoped not frequently, sometimes casually) by an individual who has betrayed his friends, without securing the confidence of his enemies; who changes his principles with his habiliments, according to the exigency of the day; whose opinions and motives are distrusted; whose measures and appointments are directed towards personal objects, under the stimulus of an inordinate and diseased vanity, which craves a popular election to a place for which nature and his constituents never intended him; who contaminates all that he touches, and in his turn is worked upon, through a dangerous facility of disposition, by sinister and unprincipled advisers, (some of them irresponsible,) and who is controlled for the time by the influence that is nearest at hand, enforcing itself with appeals to an indiscriminating credulity and an all-grasping selfishness. If such a man should arise in this country, God forbid that he should be permitted to hold in his hands the political rights of Rhode Island, or of any other State! Let them at least remain in abeyance till, in the rapid revolution of time, he shall, with the cordial unanimity of all parties, be restored to the place from which he was taken.

Can it be wondered that, in view of the wrong inflicted upon our State, as well as of the principles and practices of the present chief magistrate, the democracy of the country should so generally shun his contact, and set their faces against his administration, and the ignoble faction by which it is sustained?

### *Military attitude of the President.*

President Tyler having assumed, upon the application of the charter government of Rhode Island, to decide the controversy then pending, lost no time in following up his engagements to his friends in that State, by issuing a manifesto against the constitutional party and their proceedings. A second letter was afterwards addressed by him to the charter Governor, believed to have been prepared by Mr. Spencer, the Secretary of War. The military force of the United States at Newport was increased by draughts from other posts, and by a detachment of horse artillery, which could add no strength to a fortification, and which, it was openly boasted by the members of the charter party, on the occasion of performing its manœuvres before the members of their legislature, was to be employed against the people. At a later period, another detachment of horse artillery was marched to Rhode Island from Plattsburg. It was stated at one of the posts in Newport, that the troops had been sent there to aid President Tyler in expounding the constitution of the United States to the people of Rhode Island, who appeared to be slow in comprehending it. A distinguished officer in the



artillery service was directed to report himself to the charter government, and was afterwards efficient in advising the plans to be pursued. Other United States officers also rendered their services in other modes. It is believed that the revenue-cutter service was also held in requisition to blockade, if necessary, the maritime approaches to the State. There is reason to believe that the immunities of the post office were disregarded, and that letters addressed to the members of the constitutional party have been opened and resealed, and that other letters have been withheld from their destination. The custom-house in Providence was made a place of depot for munitions of war; and officers under the United States were seen at the head of parties to search houses and to make seizures. Subsequently to the encampment at Chepachet, the charter troops were reviewed, with high commendation, by a colonel in the United States infantry, and by the Secretary of War.

*Effect of the President's letter.*

The effect of the President's letter in April was greatly to depress the constitutionalists, and to encourage their opponents, who at once ceased to express any desire to accommodate themselves to the wishes of the majority, and determined to set them at defiance, expressing themselves confident in the forces of the General Government, which would do all the fighting on their side, if any were required. A desire for a contest at arms had existed in neither party. Neither was prepared for it. The military organization was at its lowest ebb. I believe that there was but one militia company in Providence fully officered. The members of most of the chartered companies inclined more toward the people's side than to the other. But when the President loaned to one party the sword of the Union, the face of things was changed at once. The charter party became confident. They had been the first to take measures of military preparation. Their want of numbers was now compensated, and they set to work to recruit their force, and to improve their organization, looking to the President to supply all deficiencies. Previously to his first letter, the President, from his conversations, was supposed to be of precisely the opposite opinion to that which he expressed.

This demonstration of the President had the same effect as if the whole force of the United States had actually been employed in Rhode Island. That it ought to have had such an effect, may well be denied from what will appear hereafter. But I speak of the fact, which the people of larger States have not fully appreciated. The force of the Union, in a small State that may be traversed in a day, was a disparity with which it seemed to be vain to contend, even in a cause so just and righteous as that of the constitutional party. The President, in attacking the rights of a small State, had manifested the greatest indignity of all, as it may well be asserted by those who know him that he would never have ventured upon such a course toward a larger State. The threat of Mr. Tyler to march the whole army of the United States into New York, or Pennsylvania, or Virginia, or even the well-prepared and martial State of New Hampshire, for the sake of suppressing a constitution that the great majority desired to live under, would have drawn down the derision of the people of those States, and have aroused their entire energies, so that the army, when it came, would have served rather to fertilize the soil than to suppress the rights of the citizens.

But Rhode Island has paid the penalty for her contracted territory imposed by the President. This act alone will justify the retribution which awaits him. His veto of the rights of Rhode Island casts all his other vetoes into the shade. Conscious of an unworthy course, he omitted all mention of it in his last message to Congress, and contented himself with the empty, heartless congratulation, that "the *personal liberty* of the citizen is sacredly maintained, and his rights secured, under political institutions deriving *all* their *authority* from the *direct* sanction of the people;" while the recollection of his high-handed interference to suppress the direct action and the choice of the people of Rhode Island was fresh in all minds.

#### *Apparent recovery.*

The first shock seemed to have expended itself. The election of officers under the people's constitution proceeded. The people appeared to have recovered their self-possession; but this appearance was deceptive. The meeting of the legislature disclosed the under-tone of feeling among the members, and their indisposition to active measures, to which I have before alluded.

#### *Object of visit abroad.*

Shortly after the session of the people's Assembly, having attended to the necessary executive business, I set out for the city of New York, with the intention of proceeding to Washington. I was strongly urged to visit the capital by many of the best friends of our cause, and a vote to the same effect was adopted at a large meeting of the citizens in Providence. They were desirous that I should ascertain, on the spot, what were the springs of the movement against us at Washington, and whether there was a final determination to suppress our constitution by force. Believing this point to be settled beyond question, I doubted whether any advantage was to be derived from such a visit, which was without avail, as might have been expected. I nevertheless complied with the strong urgency of my friends. My great object in leaving Providence at this time, was to present our cause to our democratic brethren abroad, and to ask them, in the name of our common liberty, if our constitution was to be put down, without an effort elsewhere to counteract what we believed to be the unconstitutional and unjustifiable interference of the national executive.

#### *Character of the appeal made.*

It has been charged, that this was a censurable invitation to citizens of other States to interfere with affairs in which they had no concern, and in which, had they been left alone, they would have felt no interest. I most explicitly deny the assertion in all its parts. It comes with an indifferent grace from any who, through their agents, have urged and importuned the President of the United States to exercise a power of interference, which converts his office to a despotism. Let me then repeat that, with the views I entertain respecting popular sovereignty within State limits, I am one of the last to invoke the interposition of the citizens of other States in political matters of a local character: nor have I done so. I held that the people of Rhode Island were competent, and had the exclusive right, to attend to and



to manage their own affairs, in their own time, and in their own way; and had the right to live under such a form of republican government as should suit them best, without advice or dictation from abroad. Nor did they stand in need of aid. If they were not capable of asserting their own rights, they were not qualified to enjoy them.

It was therefore with great regret that I saw the attempt made by our opponents to withdraw the controversy from its position within the boundaries of a State to an external jurisdiction: and no approach was made on our side to the President of the United States, until he had been solicited by the charter commissioners to lend a military force for our subjugation. Nor was he asked by us to take part with the people, in substituting a republican constitution for the government of the prevailing oligarchy. He was furnished with such explanations as were necessary to counteract the partial and injurious representations that were made to him of the character and proceedings of the constitutional party, and the false views that were taken of their principles and rights; and this was all. But when an unauthorized invasion from abroad was invited by our opponents, and the aid was at hand to enforce the commands of the invader, the time had arrived to inquire if our countrymen of other States were disposed to look on in silence, and to see the people of a small State borne down, without assistance, by an act of usurpation, and sacrificed to the unjustifiable policy of the executive. The appeal was made to our brethren, nor was it made in vain.

*Prompt response of the democracy.*

Equally unfounded is the assertion that the citizens of New York, and of other cities and States, were urged and stimulated to take an interest which they did not naturally feel in the cause of their brethren in Rhode Island. They needed no impulse. The great heart of our democracy conveys its warm and healthful tides through every member of the political system; and an injury to any portion of it, however remote or minute, becomes, by the pervading sympathy, a wrong and injury to all, which every brother of our common fraternity feels to be his own. The declaration of President Tyler of his intended intervention in the affairs of Rhode Island had an electrical effect upon the democracy of the country. They felt that a great wrong was about to be committed upon one of the States least able to defend itself against it, and, through that State, upon the common rights to self-government of the American people, with whom in the several States the sovereign power resides. They raised a generous and decisive tone of remonstrance, which shook the air of the palace, and reminded its occupant of the mortal tenure of his place.

But in the midst of the healthful enthusiasm which the time excited, you will look in vain at the proceedings of any public or private meeting, in New York or elsewhere, for the slightest indication of an intention or desire on the part of our fellow-citizens abroad to impose upon our State institutions similar to their own standard, and more conformable to their own views of political justice. The great point, which it is impossible to mistake, and where all opinions and sentiments were found in unison, was the right of the people of Rhode Island to live under a republican constitution of their own choice—under a poor constitution, if such were their pleasure—without being dictated to by a superior force from without, falsely arroga-



ting to itself an offensive and dangerous supremacy, in an affair exclusively appertaining to the independent citizens of a sovereign State. Whether the people's constitution were better contrived than the old charter, or than the landholders' constitution, was interesting to the democracy abroad only so far as they were concerned in, and gratified by, the progress of free principles at home and in foreign States; but whether the people of Rhode Island had a right to make a constitution, and whether the President of the United States was to assert the contrary doctrine with force, were questions which every democrat felt himself at liberty to ask and to answer in such a manner that the republic should receive no detriment.

Neither in this, nor in any other matter connected with the constitutional party in Rhode Island, has there been any concealment. In my address to the democrats of New York, at Tammany Hall, on the 14th of May, and in my proclamation of the 16th, the ground on which aid from abroad was asked and expected was distinctly set forth. I disavowed to our brethren there and elsewhere any desire to involve them in a conflict between two parties in a State; freely avowing to them, that, if the majority of our people were not competent to succeed in their own right and in their own strength, they were not fit or worthy to succeed at all. I invoked aid to rescue the majority from an unequal contest with another force to be unjustifiably introduced from without. Believing this force to be set in motion, to be used in suppressing the rights and liberties of the majority in Rhode Island, our friends avowed their readiness to lend this aid. They prepared themselves to lend it; and had the people of Rhode Island and their representatives maintained the ground which they assumed in the support of their constitution, and not shrunk away from it when the decisive occasions presented themselves, they would have been powerfully and successfully sustained, and the intervention of Tyler would have made Rhode Island the battleground of American freedom. But having receded from this position, they lost this conditional support, and placed their friends in the attitude of expectation. While these friends were willing, in such a cause, to help those who manifested the disposition to help themselves, they were disposed not to assume the burdens of those who shrunk from the contest, but to wait until it became evident that they were in earnest, and intended to maintain themselves to the extent of their own means and abilities.

#### *Aid from abroad.*

All who came to aid us from abroad, in the course of this contest, so far as I know, were thirteen brave men at Chepachet, from the city of New York, and less than a third of this number from Massachusetts. For every one of these, there were ten or more in the opposite ranks who had volunteered or were enlisted from abroad, to serve against the constitutional cause, in defence of the charter party, and without justification or excuse; for this party had possession of the military organization of the State and of the treasury, and was sustained by the military force of the General Government.

#### *Return to Providence—position of affairs.*

On the 16th day of May I returned to Providence, having, as I believed, accomplished the most important object for which I had departed. My

reception by a numerous collection of citizens, including a respectable portion of the military, who manifested a martial appearance, was cordial and gratifying. One of my first inquiries, on arriving at Providence, was made of a commanding officer, whether he was prepared for action. The reply was in the negative, and that his men were out only for parade. The citizens and military returned to their homes, and I was left to myself.

My position was that of a prisoner guarded by a few of his friends. It was impossible that this state of things should continue. It could be terminated by surrendering my office, by an arrest from the charter government, or by carrying into effect the government set up by my constituents. To surrender my post, and to retire from the responsibility which it imposed upon me, was a thought not likely to occur to me. To submit to an arrest, and to the breaking up of the government, without an effort in its behalf, and in the face of the strong pledge of nearly 800 men in arms, assembled at the inauguration, that they would respond to all lawful commands proceeding from me as chief magistrate, and of a similar pledge of the largest public meeting ever held in Providence, on the 12th of May, would have been, in the general opinion and in fact, a dishonorable abandonment of the means apparently placed at my disposal, to maintain my own, and the rights intrusted to my keeping.

*Attempt to take possession of the public property.*

Duty and fidelity to my obligation prescribed a course from which I felt no disposition to recede; and it was taken. I endeavored to obtain possession of the public property still withheld from the rightful custody, and to establish the government in fact, in pursuance of the resolution of the General Assembly; and with this intention I assembled what appeared to be a sufficient force to accomplish the object. After a long delay for the arrival of the military from the country, at an early hour in the morning of the 18th of May a movement was made upon the arsenal in the city of Providence, a depot of the State arms, with two hundred and fifty men and two pieces of artillery; two others being left behind, through a neglect which has never been accounted for. The place to be taken was a stone building of two stories, with artillery in the first and infantry in the second. After the opening of the large doors below, it became indefensible against an assault. The attempt failed from desertion, for want of better organization and of officers, and by the disabling of the guns through treachery. Some persons having access to them, and acting in concert with our enemies, did not intend that anything should be accomplished; and they prevailed. Shortly after the summoning of the arsenal, about two-fifths of our men left the ground, by the unauthorized order of a subordinate officer. The officer first in command under me also disappeared, and was followed by others. Delay occurred in altering the position of the pieces. An ineffectual attempt was made to discharge them: they had been rendered unserviceable. The greater portion of the men had become scattered, or had retired. I directed the pieces to be withdrawn, and left the ground at daylight with thirty-five or forty men. None remained behind after we had retired. My warmest acknowledgments are due to the steady good conduct of those who kept their places to the last.



*Subsequent proceedings.*

The failure to accomplish our object, though we were left with the means before possessed to renew the attempt, naturally encouraged our opponents, and raised the determination on their part to assume the offensive. Of this we were fully apprized; and, on returning to headquarters, new officers were appointed, the means of defence were placed in readiness, and at the proper time the signals were given for all the friends of the constitution to rally for its support. Most of the men had returned to their places of abode in the city. They did not answer the summons. Many who had left their arms piled at headquarters did not return. Not a few who voted for the constitution, and who had sustained it, and the sovereignty from which it sprang, with their ability, their zeal, and means—some with the eloquence of the lips and of the pen—appeared in arms on that day in the ranks of our opponents. Our friends in Providence, with a few exceptions, yielded to the panic which had been produced by the demonstration of the chartists, and absented themselves. Some were imposed upon by the delusion of a compromise. At this critical moment, when I had a right to expect the silence, if not the co operation, of those associated with me in the government, nearly all the members of the legislature from the city of Providence resigned their offices. They subsequently published a handbill, to proclaim the stand they had taken, in which my proceedings were called “deplorable” and “destructive,” and I was condemned and denounced, and virtually handed over to the dealings of the enemy. This handbill was submitted to the charter governor. Several of these members of the legislature joined in addressing to me a letter of similar import, to announce their resignation, and that their support and that of the citizens were withdrawn from me.

Making every allowance for the state of things at the time, and for the subsequent exertions of the individuals to whom I refer, and who then fell back from the cause, I find it difficult to trust myself to give expression to the feelings which the occasion excited, and which the remembrance of it so painfully revives. Let the facts suffice. Had five hundred, or half that number, of the 3,500 men of Providence who voted for the people’s constitution, appeared on this day to defend it, the charter party would have failed in their turn, and would have recoiled from an attack which might have been promptly repelled. I was left almost alone. There were, at first, about sixty armed men on the ground, and the number gradually decreased. The last report made to me by the officer in command was, that the men were leaving. The charter force was about 500 strong. A few brave and determined men still remained by the guns. I did not deem it my duty to direct the few who remained to what appeared to be a useless sacrifice of themselves or others. Having directed the officer in command to withdraw them from the position, I left the ground.

The few who had charge of the artillery pieces maintained themselves in a gallant manner against the large force of the charter party who afterwards came up. I was informed, the same evening, that a rally had been made, and directed that the post occupied by our men should be maintained, informing the commander that I should join him the next day. This order was not carried to him, according to promise. It was repeated the next day in writing, and was received too late. Ascertaining that another rally was then impracticable, I left for the city of New York.



*Compromise spoken of.*

As it regards a compromise of the constitution with the charter party, or any of its members, of which so much was heard at the time,—let me say, once for all, and leaving to others of our party all the credit they may claim for their motives or intentions, that I have had nothing to do with any such design or attempt. I need not dwell upon the absurdity or the dishonesty of an attempt of an officer in my position, who, bearing an oath to maintain the constitution under which he was elected, should undertake to compromise such an instrument, or to negotiate it away. If it could not be supported, it must fall. The only release to me was by a surrender of my duty and office, or by the act of the people repealing the fundamental law which they had established. No man can rise up to gainsay my fidelity to the constitution.

*Why were not further proceedings abandoned?*

It will now be inquired why, after such a demonstration as has been described, all thoughts of any further proceeding to carry into effect the people's constitution were not abandoned, and the cause was not left to expire in the hands of those who had brought it into existence? I reply, that the rights of the case were not taken away by a failure of arms. Nor could I be permitted to believe that the cause was surrendered by its friends. The course pursued by the representatives of Providence, and of other places, was not approved by the people. They regarded, I had reason to believe, the disaster of the 18th of May as a casualty to be retrieved at the earliest opportunity. It is not a part of my disposition to give up a good cause, while any ground is left to stand upon. Much less could it occur to me to believe success an impossibility, in the midst of numerous assurances, verbal and in writing, and from various quarters in Rhode Island, that the governor of the State needed only to raise once more the constitutional standard at the right place, and with sufficient notice, to be surrounded by such a portion of those who had voted for their own freedom as would insure, at all hazards, its triumphant vindication. Could it be possible that, of the 14,000 who had given their suffrages to the people's constitution, there would not be found a fourth or a sixth part who would avow what they had done, and evince their sincerity by their actions, when that cause was about to be finally stricken down, with which the memory of so many wrongs endured, and of rights pursued and almost acquired, was indelibly associated? They had but to stand up and show themselves to their opponents, to nullify their efforts. If our cause had been suffered to abide the result of a first movement, in which many of its friends complained that they had not the opportunity to participate, the death of our constitution would have been attributed to me, and with justice. This burden cannot now rest upon me.

*Support promised.*

The charter party had gained more than we had lost, and were improving every opportunity, and all the means furnished by the treasury and wealth of the State, to strengthen themselves against all further attempts to uphold the government of the people. The hesitating or reluctant were

stimulated to animosity and rancor by all kinds of extravagant reports of a great armament in New York and Connecticut destined for the invasion of the State, with the two-fold object of establishing the liberties of Rhode Island, and of despoiling its citizens of their property! But, on the other hand, I could not doubt the evidence presented to me that the constitutionalists, with unequal means, were equally on the alert, and resolute for an occasion which demanded all their energies. I relied not upon the money, but upon the men of the State; and they promised to be in readiness, without regard to threats from abroad. More than 1,300 (including 400 or 500 from Providence) in several towns were represented to me as being pledged to rally to the support of the government, when their services should be required. With such a beginning, it was reasonable to believe that, if the great object in view—the complete establishment of this government—could not be immediately carried into effect, at all events a session of the legislature could be maintained, and the work of the first session, which in some important particulars was left unfinished, could be completed.

*Proceedings at Chepachet, (Glocester.)*

I left the city of New York June 21st, for Norwich, Connecticut, on my return to Rhode Island. Desiring that no premature movement should occur, and that if any further steps should be taken, all who were so disposed might have an opportunity to join in the defence of the constitution and government, an order was sent to convene a council of military officers at Chepachet, to determine whether it were feasible to make any movement at present, and, if so, in what manner. No meeting or council was held, and I was next informed that five hundred men were assembled at Chepachet, without orders, and in expectation of an attack in that quarter. I lost no time in setting out to share with them the fortunes of the cause. On my arrival, I found that their number was greatly exaggerated, and did not exceed one hundred and eighty or ninety, some of whom left in the afternoon of the 25th. On the night of the 26th there were not more than fifty men on the ground, the remainder being scattered about the village. On the 27th, the day of disbandment, there were *two hundred and twenty-five*, as I am informed by the officer who was second in command of the field; and this is the greatest number that appeared *in arms* on our side. It was stated somewhat larger (at an average of from 250 to 300) in a former communication, from the information I then had. The present statement, I presume, is as nearly correct as can be ascertained. A much larger number of persons came and went as *spectators*, some of whom may have been set down as a part of the military; but, of course, those only are to be counted who *staid* and took up arms for the cause. At no time was the whole supply of arms in use.

It has been stated by our opponents that our least number was seven or eight hundred; and this has been believed to be the fact by many of our friends abroad, and has passed as such into the annals of the year. Had such a number of armed men been collected, the result might have been different.

Of the 250 men who mustered for the capture of the arsenal, about one-half were at Chepachet; so that the whole number who took up arms, in actual service, on our side, upon both occasions, may be set down at 350.

As it was impossible to keep our lines at Chepachet clear of intruders,

under the guise of friends, our true numbers and condition must have been at all times known to the chartists in Providence.

*Orders issued and repeated.*

Orders were sent, and repeated, to all the towns in Providence county, where the majority of our strength lay, for the military who were friendly to the constitution, to repair forthwith to headquarters, for its defence with the result I have stated. Similar orders were also sent, as far as practicable, to other counties. A general notice was thus given, and, the distances being short, ample time was afforded to all who were pledged, and to all others who were inclined to act out their resolutions, to come to the rescue of their cause, now in peril.

*The ground occupied—Acote's hill.*

I was greatly surprised, on my arrival, to find the few who had assembled posted in an untenable position, which was commanded on one side, at a short distance, by a superior elevation of land; exposed on another side, and overlooked by an eminence, from which it could be swept by heavy artillery. There was no fort on Acote's hill, as has been commonly stated. On two sides of the summit slight, field-works were thrown up, with wide intervals for the artillery, consisting of seven light pieces. The other sides of the hill were unprotected by works.

*Amount of the charter forces.*

By the aid of martial law, and a heavy penalty for non-appearance, the charter government had succeeded in mustering a force, which appears by their pay roll to have exceeded four thousand men; the male citizens of the State over 21 years of age being more than twenty-three thousand. The proportion of this force to our own was as eighteen to one; that of the three divisions put in motion against Chepachet was about as eleven to one. No expense was spared to furnish the charter forces with artillery, some thirty pieces, and an abundance of the other material requisite for service.

On our side, as we had no resort to a treasury and the contributions of the wealthy, it was apprehended that there would be a deficiency of means for subsisting the considerable body of men who were expected to take the field. But, small as were our *means*, (too small to be mentioned,) the deficiency of *men* was still more marked and regretted. In so narrow a compass of operations, the campaign must be short. It was our men, a portion of the 14,000, that we needed. But the people were called, and they did not come. Let the reasons be assigned by others. I am stating the facts which truth and justice to those who did respond to the call made upon them require me to set forth. The people as a body, let it be said, were unwilling, or unable; they were deterred by the threats of the President, or debarred by the mailed hand of a military despotism. Be it as it may, they did not come; and to a few was left the burden of affairs.

*Denounced by our friends.*

Nor was this all. Under a renewed and increased panic, occasioned by



the operation of martial law, many of our friends in Providence (35 men and 10 officers only came to our support from that place, of more than 3,500 who voted for the constitution) were led to renounce and denounce our proceedings as no longer to be "*tolerated*," and they subscribed a paper to this effect. They declared that all they wanted had been obtained, in the call by the charter assembly of a convention to form *another* constitution. Our paper, the organ of our party in Providence, expressed the same opinions in strong terms, and joined in condemning and reprobating the conduct of the Governor, and those associated with him, in upholding the cause with arms, in the last resort.

#### *A military council.*

To our unspeakable disappointment, it now became evident that we had been, if not imposed upon, greatly deceived in the support which had been promised. It was not a case where delays and difficulties had occurred, which made it necessary for a few to sustain themselves as they might, until the rest should be able to rally to their aid; but a repudiation of the whole proceeding, and those concerned in it—not by a fraction of the party, as on a former occasion, but by nearly the whole. My proclamations and orders had been put forth in the name and strength of those whom I represented; and the discrepancy between the call and the result was now more mortifying than ever. Nor was it in my power to deter those of our party, who had taken and were daily taking arms in the ranks of their enemies, from acting with them against the cause they had so solemnly engaged to support.

It was my duty to submit the condition of affairs to the officers in command of our force. This was done by convening a council in the forenoon of the 27th. No final action was determined upon at this meeting. An order for dismission was approved by the officers at a meeting in the afternoon; and it was proclaimed to the men before seven o'clock. I left Gloucester an hour after. Thus ended the attempts to enforce the constitution of the people.

#### *Reason for the course taken.*

In taking the course which a painful necessity thus seemed to prescribe to us, let not the motives which governed our proceedings be misunderstood. In the council of officers, the only point considered was our relation and duty to the people for whom we were acting. We had assembled in arms as a portion of the people, calling upon them to do the like—not for any partisan, local interest, but for the defence and welfare of all. It was not our constitution and rights that were to be maintained, but the constitution and rights of the majority, who not only declined to take part with us, but virtually and actually denounced us to the enemy. It was a contest among fellow-citizens. We were not guerillas, about to fight for success and spoils, that would be more valuable in proportion to the smallness of the numbers among whom they were to be divided; but we were in arms for all, in the name of all, and for public rights; and the arms fell from our hands only when we found ourselves contending against a common array of enemies and friends. It was our friends, and not our enemies, who conquered us.

*The military question.*

The military question arising in the condition of affairs that has been related, is entirely distinct from that which was considered in the council of officers. Whether or not the force assembled at Chepachet was adequate to contend with the forces of the charter government, let others decide, not solely by the comparison of numbers, but from all the circumstances of the occasion. In addition to what has been stated, our post was destitute of a supply of water; there were on hand provisions sufficient for a day only. The quantity of balls for the artillery pieces, supposing them all to be in use, would have kept them supplied for about fifteen minutes; though the materials for a close discharge were more abundant. The place was not one in which a body of men no larger than ours could suffer themselves to be surrounded, either with or without supplies of provisions and material. The alternatives were to advance or to retreat. If affairs had not ended as they did, for the reasons that have been given, it is now unavailing to inquire what result might have been expected; but it is justice only to say, that both our officers and men were ready for all that the occasion required, and to meet their opposers at least half-way from their point of departure. This is not an idle parade of intentions. If a movement upon Greenville, the nearest post, did not take place on the night of the 27th, the chartists may attribute the act not to their numbers or preparation, but to our repudiating *friends*.

*My associates in arms.*

I pause here, for a moment, to render the tribute of gratitude, which is so justly due, to the brave and true-hearted men who rallied at Chepachet for the defence of the constitution and government of the people. They were of the sons of the soil, and of the mechanics and working-men of our party. Many of them, if not a majority, were already partakers of the landed suffrage, and came to support the rights of the non-freemen, who staid away. They came forth in the garb of the field and of the workshop, more fit for use than for display; and it is not surprising that their appearance did not suit the critical eyes of fashionable inspectors, who look on the outside to find the man. These men also came freely, expecting only a subsistence, in the spirit which carried the men of an earlier day to Bunker hill, and to serve a cause which they believed to be the same in principle with that of our national freedom. They came in a spirit of personal devotion, and, for the most part, without any previous military formation, to fall into the places that might be assigned to them. They remained as freely as they came. Previously to the morning of the 27th, there was no restraint upon the departure of any one; after this, all who chose to stay were required to conform themselves to a stricter discipline. Their organization, hastily extemporized for the occasion, was necessarily imperfect and insufficient; but they were prepared to render all sacrifices. I shall carry with me to the last period of existence the grateful remembrance of their devotion to myself and to the cause, for which they were ready to lay down their lives. Their manly tears attested the sincerity of the regret with which they left it to its enemies. If it were wrong that it was pursued no further, the blame is mine, and not theirs. Regarding my duty to all, as governor of the State, I believe, after a review of all circumstances, that I

decided rightly. Excluding from recollection all but my position as commander of a post, the associates who held it, the military spirit of the occasion, and the wrongs to which our brethren have been subjected, I confess that I have found, in the retrospect, the dictates of judgment sometimes overruled by the feelings which I shared with my associates, and which animated all hearts. Let them decide whether I am subject to censure. Upon this question they are the only suffrage men whom I can recognise as rightful judges.

*False clamor raised against them.*

So much has been said, in strict justice to those who took up arms for our cause at Chepachet. A few facts will suffice to set at rest the false and base clamor which has been raised against their designs and proceedings, to promote the purposes of the charter party. With the judicial apparatus and all the officers of the State at their service, there would have been no difficulty in establishing the fact of unjustifiable conduct, if it had existed. Our men were cautioned against all invasions of private rights. The irregularities of an ordinary militia muster were not seen among them. The small damage discovered to have been committed in one instance, was promptly compensated. To say that this moderation was to be rewarded by a general license, when they should reach the city of Providence, is an idle charge, though it worked to the advantage of the Algerine inventors; it was made to cover up their own iniquities and outrages, and it comes from them with a bad grace while the public bear in mind the "sacking of Chepachet," and the appropriation of private property; not to dwell upon the gathering up of unarmed men, many of them from the fields and workshops, and marching them, tied with ropes, to grace a triumphal procession.

*The victory of the Algerines.*

The "victory" over our force at Chepachet, which has been made the subject of empty (not to say childish) exultation, becomes greatly diminished upon a close inspection. For reasons, satisfactory or not, before stated, this force was disbanded, by a general order, before 7 o'clock in the afternoon of the 27th of June; and a copy of the order was sent by me enclosed to a friend in Providence, (distant 16 miles,) with a request that he would cause it to be published. The letter was intercepted in Providence, and forthwith laid before the charter government. An order from headquarters in Providence to advance, might have reached the nearest division of the charter forces, at Greenville, between nine and ten o'clock; and this division had information, it is believed, of our departure, before it was made known in Providence. Yet the division was not put in motion till the next day, and did not reach Chepachet till a quarter before eight in the morning of the 28th, thirteen hours after the disbandment. Nor was it put in motion till it was ascertained that our picket-guard of 20 men, stationed below Chepachet, had been withdrawn upon the disbandment. Our men at Acote's hill separated soon after they were dismissed, except twenty-seven, who remained until between 3 and 4 o'clock in the next morning. An urgent request was left by me that the hill should be dismantled, and the guns and tents removed. This was promised, and there was ample time; but it was not done. Very early in the morning of the 28th, some of



the artillery pieces were discharged among the trees, by four persons who came to see the ground. When the division arrived from Greenville, there was no man in arms on or near the hill to oppose them. The only semblance of a conquest was the empty tents and the pieces left upon the hill; and yet we read the following general order of the day, equally false and ridiculous:

"Orders, No. 54.

HEADQUARTERS, &c., June 28, 1842.

The village of Chepachet and fort of the insurgents were STORMED at quarter before 8 o'clock this morning, and taken with about *one hundred prisoners*, by Col. William W. Brown; *none killed*, and no one wounded," &c.

All which can only mean that the charter troops, in taking possession, did not injure one another; there being no enemy to injure them. An account, published by their sympathizers abroad, states that the charter troops came up and dispersed 700 of their enemies without loss of life.

The disparagement of our men by the chartists reacts upon the calumniators in another form. It is charged that the suffrage men betrayed a want of spirit in leaving Chepachet; and their open disbandment is called a flight. If they had broken up in the face of an attack, there would have been a better foundation for the charge. But this was not the case. And it may be asked, "Of what stuff must men be made, of whom it takes from 2,500 to 3,000, with 30 guns and an abundant material, to contend with 225 men, such as they have attempted to describe the suffrage force?" If our 225 men are to be disparaged, what shall be said of the courage and enterprise of between 3,000 and 4,000 men, who lay for several days within 16 miles of Chepachet, and made no attempt to assail or surround its defenders? The return of less than half a dozen of our men to Woonsocket, in the evening after the disbandment, caused such an alarm to the charter force stationed there, several hundred strong, that they precipitately fell back 6 miles; "none killed, none wounded," notwithstanding the rapidity of the movement.

So long as the suffrage party stood firmly by their resolutions, and showed no signs of flinching, the chartists were civil, and kept at a respectful distance. When the former began to falter, the latter, backed by Mr. Tyler, turned fierce glances upon them. When the former showed a disposition not to contend, the latter breathed threatenings of war. When the former had given up, and the few who came had gone, and the chartists were sure of it, they pursued and took a part of the contents of Chepachet.

These matters are not revived for the sake of stimulating past animosities. God knows the recollection of wrongs and injuries inflicted upon the suffrage men does not need to be exasperated. But they are mentioned to rebuke the petty boasting, of which it is no more than fair to believe that the really brave among our opponents must be heartily ashamed, as they are of the transactions at Chepachet, and of the capture of citizens who did not bear arms, and of their march with some who did, fastened with ropes, to and in the city of Providence.

#### *Subsequent events.*

After the first vindictiveness of triumph had somewhat subsided, I addressed a letter, from New Hampshire, to some whom I still believed to be

my friends in Providence, to ask them if the cause was at an end, and if any service remained that I could render to it. These questions were put, that the answer might enable me to decide upon a subject for some time in contemplation, viz : a return to Rhode Island. Twice I had left the State, declining to surrender, and thus to disable myself from serving the cause of the people. But a different motive had been assigned, which could be best repelled by re-entering the jurisdiction of the prevailing government during the continuance of martial law, and responding to all accusations. I have not been kept out of Rhode Island by any regard to personal consequences. The thought of surrendering my citizenship in Rhode Island has never entered my mind. Right or wrong, I am responsible there for all that I have done.

The answer of my friends was, that the cause was not extinct ; that they had hopes of accomplishing something at the ballot-box ; and that my personal freedom, by remaining out of the State, was to be desired, and might be useful. This request was regarded as imperative ; and the intention of returning was postponed.

#### *Seizure of my papers.*

No secret was made of the letter, and it contained no suggestion of any further military proceedings ; nevertheless, the friend who carried it was arrested in Providence for treason. All my private papers in his possession, to be brought to me on his return, were seized without any form or process, and, excepting a small portion, have been ever since retained. All of these papers were of dates prior to the 6th of May ; none of them, I believe, relate to military movements ; none tend to prove any fact in any form of controversy that would not be readily admitted ; and many, if not most of them, have no reference to political subjects. Some of the letters among the papers, addressed to me from abroad, as private, have been published by the captors. In connexion with the decencies, not to say of warfare, but of civilized life, and with the dangers to private property, of which the chartists have expressed apprehensions, this proceeding might suggest a comment ; but it does not seem to be necessary.

#### *Another constitution.*

In November, 1842, another constitution, generally known as the Algerine constitution, was proposed, by the convention called in June, to those of the people who were authorized to vote for it. It received the votes of about 7,000 of the 23,000 citizens of the United States in Rhode Island, after every exertion had been made by the charter party to swell the list. The friends of the people's constitution on this occasion very generally protested against the proceedings of their opponents. The people's constitution could doubtless be superseded in the mode pointed out in it for its amendment, or by an act of the majority of the whole people. In neither of these modes has another constitution been substituted. That under which the government is now carried on was adopted by a small minority, and has been sustained by the Algerine laws, backed by the military ; and the constitution adopted by the people, and the government elected under it, have been set aside by the same force.

*Registration of the suffrage party.*

A question immediately arose among the suffrage party, whether, all circumstances considered, they ought to register themselves under this new constitution, and contest the ensuing State election. There was danger of impairing their protest by this proceeding, and, on the other hand, they were debarred from acting under the constitution rightfully adopted; and a party which is confined to the expression of purposes and resolutions, not carried into political action, loses its cohesion, and cannot long exist. I united with others in recommending a registration, upon the assurance of two facts, in which all concurred, viz: that the suffrage party would very generally register themselves, and that, when registered, they would constitute an undoubted majority of the electors; requesting, at the same time, that I might not be considered as in the list of candidates for office. The resolution to register was complied with, and a commanding majority of the electors was undoubtedly recorded on the suffrage side.

*Object in view.*

The expected success was unequivocally and decisively pledged to the resuscitation of the people's constitution by the democratic convention. The election of a legislature by the people's party would, by general consent, relieve the State from the Algerine laws and the military domination which pressed upon it; but, in regard to the mode of reviving the people's constitution, there was a difference of opinion. The legislature chosen under the Algerine constitution would be, of course, under an obligation to support it, from which they could not be discharged by their own act, or by any power short of that of the people, which creates and changes the forms of government. The imputation by our opponents of a design to exercise a self-dispensation from their engagements, on the part of a legislature elected by the people, was a groundless suggestion for political effect, and was promptly repelled. My views on this subject, and others connected with it, were expressed at large to friends in Providence three months before the election. But while this charge was publicly disclaimed, it cannot be too much regretted that, during the canvass, there should have been any appearance of denying or keeping out of sight the main object of the contest—the ultimate renewal and restoration of our constitution. Such a suppression could not fail to give an aspect of insincerity to the whole proceeding, and to have a most injurious effect upon the result.

*The election.*

After a struggle of great severity, in which the money power of the State was brought to bear more effectually than ever before, in every variety of its multiform influences, upon all classes and interests, the registered majority was transferred to the other side, and the Algerine victory was secured. A proscription unexampled in Rhode Island—perhaps in any other State—was brought to bear upon our voters. But, on the other hand, there is implied a too great facility of being proscribed, which renders the retrospect still more unsatisfactory. It is gratifying to turn from it to the 7,400 men who could not be put down on this occasion, and whose devotion to the good cause remained unabated by adversity. How far the value of the



protest against the Algerine constitution is affected by the result which has occurred, I shall not now inquire.

Nor does there remain to me space to consider the value of an appeal to the Congress, or to the Supreme Court of the United States, for any aid that they can afford in giving effect to the people's constitution.

The result of the last election annulled the request of my friends, contained in their reply to my letter of August, 1842, and left me to consult the duty which I owe to myself, in the position in which I am placed. At an early day after the election now about to take place, I shall return to Rhode Island.

#### *General review.*

The length of this communication will preclude many of the reflections which the details of facts so forcibly suggest. Having retired from the contest for your rights, you have the less reason to complain of the evils which have been visited upon you. You have realized, in the letter and spirit, the consequences which were pointed out, in my last call to our support, on the 25th of June, as necessarily resulting from a refusal to respond to it. You have been treated by your victors (who act as if they had a perpetual lease of power) as the inhabitants of a conquered territory. You have been subjected, in time of peace, to seizures of person and property under martial law, administered by all who chose to take it in hand, without judge or trial; and you are still the subjects of a strong military superintendence. Your constitution and government have been set aside, and the freedom of speech and of action for a time disappeared. True, much has been extorted from the dominant faction. The electors have been doubled, and the political power, which, under the charter system, was vested by the conjoint operation of representation and the landed suffrage in one *ninth* part of the population, has been more widely diffused, although the chartists have constructed a senate of thirty-one members, 16 of whom represent 23,000 of the population, and 15 members the remaining 85,000. But the great right of all—that of the people to live under such institutions as they prefer, of their own choice and free will, and not by favor, grant, or permission—has been overthrown; and in this respect the victory of the charter party is unquestionable.

We have also seen the acts of the charter party approved by a large whig minority in the country; and the democracy may well ask themselves, in view of this fact, how the contest of the Revolution would have terminated, if it had been deferred to a later day; and what exertions are incumbent upon them to revive the patriotism of past days, and to keep alive the original principles of our form of government.

The ease with which the people of a State have been put down, by a minority, without the aid of an hereditary aristocracy, or a strong standing army of its own, as in the old countries, by means of the substitutes which are found here for both, will suggest to all the sacred vigilance with which our rights must be guarded, if they would save the American republics from lapsing into the fate which has arrested those of other ages and countries. Force and proscription, if not as effectual here as elsewhere, have been demonstrated, by our recent experience, to be quite strong enough for all the purposes of an aristocracy of wealth. It is the part of wisdom to regard the earliest sign of evil in the political system, and to be prepared

to counteract it. This early lesson in Rhode Island may be full of instruction, and cannot be safely disregarded.

In these allusions to the consequences of your inaction it has not been my purpose or desire to raise a spirit of revenge; but, in the view of these consequences, you will be better enabled to estimate the opposite course which I attempted to pursue. My remarks are particularly commended to those who have approved all my principles, as conformable to the standard of Jeffersonian democracy, and have opposed all my measures for carrying them into effect, without suggesting any that were deemed more correct or expedient.

Nor is it my desire to call your attention to individual hardships. The cause infinitely transcends its supporters, and its defeat or loss throws into the shade all wrongs to individuals, all private griefs. Individuals are nothing in the comparison. In the faithful service of such a cause, it is honorable to rise or fall.

### *The recent militia law.*

Without stopping to comment upon the acts of legislation through which it has been attempted to regain from the Algerine constitution a part of its concessions to the people, I may say of the recent militia law, that it answers one valuable purpose. While it exempts the great majority—the enrolled militia—the suffrage men—from military duty, and thus gets rid of their military qualification as voters,—and also taxes them (and not the community at large) for the support of the active militia, the charter men,—it at the same time demonstrates on which side is the real, unbiassed majority of the people of the State. An undoubted and confident majority in a republican State does not depend on its strong military organization, its arsenals, its jealous military supervision, for its strength and efficiency; and, on the other hand, no stronger confession could be offered of inherent weakness in a political party, than a dependence upon such auxiliaries, which furnish but a doubtful and transient aid, and cannot be long tolerated even by the side which relies upon them. If the charter party have an actual reliable majority of the people with them, who are so from preference and conviction, and not from proscription and compulsion, all this regulating apparatus is unnecessary and injurious, as well as irritating to the community. The conclusion is, that the present party ascendancy is unnatural and factitious, not self-sustained, but propped up for an uncertain period by external appliances, and destined to fall away when the pressure shall be withdrawn, and the public mind shall revert to its ordinary state.

### *Our brethren abroad.*

The hearty enthusiasm manifested in our late contest by our democratic brethren abroad, especially in the city of New York, in New Hampshire, in Massachusetts, and Connecticut, demand of us the most sincere and fraternal acknowledgment. The principle of popular sovereignty inscribed upon our banner, they will never “willingly let die;” and though obscured or lost with us, it will assuredly be vindicated elsewhere, when necessity shall require, with the hearts and hands of democratic freemen, who “fear no omens in their country’s cause.”

*The suffrage women of Rhode Island.*

And let us not forget the debt of gratitude which is so justly due to the women of Rhode Island, who, like their predecessors of early days, have in the past year done so much, in the spirit of true devotion, to lighten the toils and strengthen the hearts of their brethren and associates. Their deeds of mercy were hallowed by the prayers of the poor, and will be treasured up for other days, when it will be said that they at least were worthy of success.

*Conclusion.*

Fellow-citizens: If the principles that have been considered and set forth be true, then the just blame is not that so much was done, but that more was not done, in support of the constitution of the people.

Claiming no exemption from the common lot of error and infirmity, I leave to the honest judgment of my countrymen the transactions which have been passed in review, trusting that the part which I have had in them will not be found at variance with the conduct of a good citizen and a patriotic son of our common native State, loyal to the cause of your rights and to the great fundamental principles of American political truth, and anxious for the ascendancy of just constitutional law.

I have discharged the office conferred upon me, to the best of my ability, and of the means which were placed at my disposal. I have ever been ready to do all that these means permitted for the support of our common rights. I have invited none to dangers that I was not ready to share with them. Success is no criterion of rights. I have spoken of a cause which ought to have succeeded, as if it had succeeded.

And now, in the midst of the exultation of our opponents, still encouraged by the generous devotion and the cheering voice of our democratic brethren—and, above all, sustained by the consciousness of having served an honest and righteous cause from good motives, and to justifiable and honorable ends, I will confide in the everlasting right and truth, which are cast down only to rise again—it may be in other times and forms—with renovated power. In our political faith there is no despair. The anchor of Hope is inscribed upon the arms of our State.

May the good Providence, under the shadow of whose protection it has so long reposed, and which elicits good from apparent evil, converts the wrath of man to its praise, and renders salutary the discipline of adversity, reanimate in us a spirit worthy of the inheritance derived from the fathers of our State, and at length assure to all the sons and citizens of Rhode Island the birthright of American freemen.

THOMAS W. DORR.

BOSTON, August 10, 1843.



No. 215.

*Proclamation of Governor King, temporarily suspending martial law in Rhode Island, dated August 8, 1842.*

By his excellency Samuel Ward King, Governor, Captain General, and Commander-in-chief of the State of Rhode Island and Providence Plantations.

## A PROCLAMATION.

Whereas the General Assembly of the said State of Rhode Island and Providence Plantations did, on the twenty-fifth day of June last, pass the act following, viz:

"AN ACT establishing martial law in this State.

*"Be it enacted by the General Assembly as follows:*

"SECTION 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law; and the same is declared to be in full force until otherwise ordered by the General Assembly, or suspended by proclamation of his excellency the Governor of the State."

I do, therefore, pursuant to the authority aforesaid, and by the advice of the Council, hereby suspend the operation of said act from the date hereof, until the first day of September next, and the same is suspended accordingly.

In testimony whereof, I have caused the seal of said State to be affixed to these presents, and have signed the same with my hand. Given  
[L. S.] at the city of Providence, on the eighth day of August, in the year of our Lord one thousand eight hundred and forty-two, and of the independence of the United States of America the sixty-seventh.

SAMUEL WARD KING.

By his excellency's command:

HENRY BOWEN,  
*Secretary of State.*

*Proclamation of Governor King, indefinitely suspending martial law in Rhode Island, dated August 30, 1842.*

By his excellency Samuel Ward King, Governor, Captain General, and Commander-in-chief of the State of Rhode Island and Providence Plantations.

## A PROCLAMATION.

Whereas the General Assembly of said State, on the twenty-fifth day of June last, passed the act following, viz:

"AN ACT establishing martial law in this State.

*"Be it enacted by the General Assembly as follows:*

"SECTION 1. The State of Rhode Island and Providence Plantations is hereby placed under martial law; and the same is declared to be in full

force, until otherwise ordered by the General Assembly, or suspended by proclamation of his excellency the Governor of the State."

And whereas, on the eighth day of August instant, I issued a proclamation suspending the operation of said act until the first day of September then next; I do now, therefore, pursuant to the authority in said act to me given, and by advice of the Council, hereby further suspend the operation of said act on and after the said first day of September, indefinitely.

Given under my hand and seal of said State, at the city of Providence, this thirtieth day of August, in the year of our Lord one thousand [L. S.] eight hundred and forty-two, and of the independence of the United States of America the sixty seventh.

SAMUEL WARD KING.

True copy—Witness:

HENRY BOWEN, *Secretary*.

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No. 216.

*Correspondence between Hon. John B. Francis and Hon. Henry Clay, relative to the affairs of Rhode Island.*

WASHINGTON, February 19, 1844.

DEAR SIR: Enclosed are certain resolutions passed at a meeting of the law and order members of the General Assembly of the State of Rhode Island, holden in Providence on the 14th instant, which I have the honor to forward to you.

Your generous support, at a time when few politicians dared to evince any sympathy for us, cannot but increase the attachment to you already so strong in our State.

By Mr. Crittenden's advice, I direct to Savannah. Wishing you a pleasant journey to this city,

I am, most respectfully, your obedient servant,

JOHN BROWN FRANCIS.

HON. HENRY CLAY, at Savannah, Georgia.

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AUGUSTA, March 31, 1844.

MY DEAR SIR: I duly received, in this city, your favor transmitting certain resolutions adopted at a meeting of the law and order members of the General Assembly, held in Providence in February last; and I request you to convey to them my profound acknowledgments for the friendly and flattering allusion to my name in some of the resolutions.

I congratulate your State upon its successful vindication of social order and the authority of the law.

The principles avowed and attempted to be enforced, by subverting the existing government in Rhode Island, struck at the foundations of all safety and security in civilized society. They were revolutionary, without being characterized by a manly spirit of open and fearless resistance. In repuking and repudiating them, Rhode Island has rendered an important

service to the cause of order, stability, and free institutions; and having achieved a decisive triumph over disorder and anarchy, I have no doubt that she will not tarnish the lustre of it by any act of useless and uncalled-for severity.

I am, with great respect, your friend and obedient servant.

H. CLAY.

HON. JOHN BROWN FRANCIS.

*Extract from a speech of the Hon. Henry Clay, delivered at Lexington, Ky., in the autumn of 1842.*

9. The last, though not least, instance of the manifestation of a spirit of disorganization which I shall notice, is the recent convulsions in Rhode Island. That little but gallant and patriotic State had a charter derived from a British king, in operation between one and two hundred years. There had been enacted upon it laws and usages from time to time, and altogether a practical constitution grew up, which carried the State as one of the glorious thirteen through the Revolution, and brought her safely into the Union. Under it, her Greens and Perrys, and other distinguished men, were born and rose to eminence. The legislature had called a convention to remedy whatever defects it had, and to adapt it to the progressive improvements of the age. In that work of reform, the Dorr party might have co-operated; but, not choosing so to co-operate, and in wanton defiance of all established authority, they undertook subsequently to call another convention. The result was two constitutions, not essentially differing on the principal point of controversy—the right of suffrage.

Upon submitting to the people that which was formed by the regular convention, a small majority voted against it, produced by a union in casting votes between the Dorr party, and some friends of the old charter, who were opposed to any change. The other constitution being also submitted to the people, an apparent majority voted for it, made up of every description of votes, legal and illegal, by proxy and otherwise, taken in the most irregular and unauthorized manner.

The Dorr party proceeded to put their constitution in operation, by electing him as the governor of the State, members to the mock legislature, and other officers. But they did not stop here; they proceeded to collect, to drill, and to marshal a military force, and pointed their cannon against the arsenal of the State.

The President was called upon to interpose the power of the Union to preserve the peace of the State, in conformity with an express provision of the federal constitution. *And I have as much pleasure in expressing my opinion that he faithfully performed his duty*, in responding to that call, as it gave me pain to be obliged to animadvert on other parts of his conduct.

The leading presses of the democratic party at Washington, Albany, New York, and Richmond, and elsewhere, came out in support of the Dorr party, encouraging them in their work of rebellion and treason. And when matters had got to a crisis, and the two parties were preparing for a civil war, and every hour it was expected to blaze out, a great Tammany meeting was held in the city of New York, headed by the leading men of the



party—the Cambrelengs, the Vanderpoels, the Allens, &c.—with a perfect knowledge that the military power of the Union was to be employed, if necessary, to suppress the insurrection; and, notwithstanding, they passed resolutions tending to awe the President, and to countenance and cheer the treason.

Fortunately, numbers of the Dorr party abandoned their chief. He fled; and Rhode Island, unaided by any actual force of the federal authority, proved herself able alone to maintain law, order, and government within her borders.

I do not attribute to my fellow-citizens here assembled, from whom I differ in opinion, any disposition to countenance the revolutionary proceedings in Rhode Island. I do not believe that they approve it. I do not believe that their party generally could approve it, nor some of the other examples of a spirit of disorganization which I have enumerated; but the misfortune is, in times of high party excitement, that the leaders commit themselves, and finally commit the body of their party, who perceive that, unless they stand by and sustain their leaders, a division and perhaps destruction of the party would be the consequence. Of all the springs of human action, party ties are perhaps the most powerful.

Interest has been supposed to be more so; but party ties are more influential, unless they are regarded as a modification of imaginary interest. Under their sway, we have seen not only individuals, but whole communities abandon their long-cherished interests and principles, and turn round and oppose them with violence.

Did not the rebellion in Rhode Island find for its support a precedent established by the majority in Congress, in the irregular admission of Territories as States into the Union, to which I have heretofore alluded? Is there not reason to fear that the example which Congress had previously presented encouraged the Rhode Island rebellion?

It has been attempted to defend that rebellion upon the doctrines of the American declaration of independence, but no countenance to it can be fairly derived from them. That declaration asserts, it is true, that whenever a government becomes destructive of the ends of life, liberty, and the pursuit of happiness, for the security of which it was instituted, it is the right of the people to alter or abolish it, and institute new government; and so undoubtedly it is. But this is a right only to be exercised in grave and extreme cases. “Prudence, indeed, will dictate,” says that venerated instrument, “that governments long established should not be changed for light and transient causes.” “But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, their duty, to throw off such government.”

Will it be pretended that the actual government of Rhode Island is destructive of life, liberty, or the pursuit of happiness?—that it has perpetrated a long train of abuses and usurpations, pursuing the same invariable object, to reduce the people under absolute despotism? Or have any other causes of complaint existed, but such as might be peacefully remedied, without violence and without blood—such as, in point of fact, the legitimate government had regularly summoned a convention to redress, but for the results of whose deliberations the restless spirit of disorder and rebellion had not the patience to wait? Why, fellow-citizens, little Rhody (God bless and preserve her!) is one of the most prosperous, enterprising, and en-

lightened States in the whole Union. Nowhere is life, liberty, and property more perfectly secure.

How is this right of the people to abolish an existing government, and to set up a new one, to be practically exercised? Our revolutionary ancestors did not tell us by words, but they proclaimed it by gallant and noble deeds. Who are THE PEOPLE that are to tear up the whole fabric of human society, whenever and as often as caprice or passion may prompt them? When all the arrangements and ordinances of existing and organized society are prostrated and subverted, as must be supposed in such a lawless and irregular movement as that in Rhode Island, the established privileges and distinctions between the sexes, between the colors, between the ages, between natives and foreigners, between the sane and insane, and between the innocent and the guilty convict, all the offspring of positive institutions, are cast down and abolished, and society is thrown into one heterogeneous and unregulated mass. And is it contended that the major part of this Babel congregation is invested with the right to build up, at its pleasure, a new government? That as often, and whenever society can be drummed up and thrown into such a shapeless mass, the major part of it may establish another and another new government, in endless succession? Why, this would overturn all social organization; make revolution—the extreme and last resort of an oppressed people—the commonest occurrence of human life and the standing order of the day. How such a principle would operate in a certain section of the Union, with a peculiar population, you will readily perceive.

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No. 217.

*Indictment vs. William H. Smith, and certificate of commitment.*

PROVIDENCE, SC.

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Providence, within and for the county of Providence, on the third Monday of September, in the year of our Lord one thousand eight hundred and forty-two:

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, upon their oaths present:—That William H. Smith, of the city of Providence, in the county of Providence, esquire, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, but wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power thereof, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence,



in the county of Providence aforesaid, maliciously and traitorously with force and arms did, with divers other false traitors, whose names are unknown to the said jurors, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said William H. Smith, did, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence aforesaid, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, with force and arms, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, maliciously and traitorously assume to exercise the ministerial functions of the office of secretary of state of the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said William H. Smith, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are at present unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason, and treasonable compassings and imaginations aforesaid, he, the said William H. Smith, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the said city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, maliciously and traitorously, with force and arms, not being duly elected thereto according to the laws of said State, and under a pretended constitution of government for the said State, did assume to exercise the ministerial functions of the office of secretary of state of the said State, and then and there, as such pretended secretary of state of the said State, being with



divers other false traitors to the jurors aforesaid unknown, then and there assembled and met together as the General Assembly of the said State, did take the oath of his said pretended office of secretary of state of the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : that the said William H. Smith, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the fourth day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason, and treasonable compassings and imaginations aforesaid, he, the said William H. Smith, on the said fourth day of May, in the year of our Lord one thousand eight hundred and forty two, at the aforesaid city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, with divers other false traitors to the jurors aforesaid unknown, being then and there assembled and met together, did then and there, with force and arms, not being duly elected thereto according to the laws of the said State, maliciously and traitorously assume to exercise the ministerial functions of the office of secretary of state of the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said William H. Smith, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true rightful government of the said State, on the third day of May, in th

of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason, and treasonable compassings and imaginations aforesaid, he, the said William H. Smith, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, with force and arms, not being duly elected thereto according to the laws of the said State, did, under a pretended constitution of government for said State, maliciously and traitorously meet and assemble, with divers other false traitors to the jurors aforesaid unknown, for the purpose of exercising the ministerial functions of the office of secretary of state of the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said William H. Smith, being an inhabitant of and residing within said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason, and treasonable compassings and imaginations aforesaid, he, the said William H. Smith, did, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the said city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, with force and arms, not being duly elected thereto according to the laws of the said State, meet and assemble with divers other false traitors, to the jurors aforesaid un-

known, for the purpose of exercising the ministerial functions of the office of secretary of state of the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

A true copy—Attest

W. PAINE, JR., *Clerk.*

A true bill :

Geo. C. Ballou, *foreman*  
Joseph Robinson  
Samuel M. Taber  
John Harris  
Nehemiah Scarborough  
Joseph W. Davis  
Henry S. Hazard  
Thomas Bowen  
Lyman W. Perkins  
Spencer Pease

Obhrey Jenne  
Horatio N. Waterman  
William H. Andrews  
Lewis W. Davis  
Jonathan Harris  
Caleb Allen  
Nath'l Spaulding  
Caleb Hathaway  
Isaac Field.

PROVIDENCE, *sc.* June 2, 1842.

Committed the body of William H. Smith, of Providence, to the State's jail in Providence, on complaint of Henry G. Mumford, city marshal, setting forth that at said Providence, on the 8th day of May, A. D. 1842, and at divers other times between that and the 2d of June, A. D. 1842, not being elected thereto according to the laws of this State, and under a pretended constitution of government for this State, with force and arms feloniously and traitorously did assume to exercise, and did exercise, the office of the secretary of state within the territorial limits of this State, as the same are now actually held and enjoyed; and did, together with a large number of associates, usurp the sovereign power of this State, against the peace and dignity of this State, and contrary to the statute in such cases made and provided: on which complaint the said William H. Smith, being arraigned, pleaded not guilty, and, on examination, was adjudged to be probably guilty of the said offence by said court, and was ordered to be committed for safe keeping until discharged by due order of law.

Committing	-	-	-	-	-	-	-	74
Carriage	-	-	-	-	-	-	-	2 00

\$2 74

HENRY L. BOWEN, *J. P.*  
R. W. POTTER, *Sheriff.*

JUNE 3, 1842.

William H. Smith, named on the opposite page, having this day given



recognizance for his appearance to answer the charge there referred to, with sufficient surety, is discharged from his said commitment by me.

W. R. STAPLES,  
*Justice Supreme Judicial Court.*

The above commitment and discharge are correct copies of the original record in jail book "C," of Providence county jail.

(Seventeen cents paid.)

THOMAS CLEVELAND. *Jailer.*

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No. 218.

*Indictment vs. Burrington Anthony.*

PROVIDENCE, *sc.*

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Providence, within and for the county of Providence, on the third Monday of September, in the year of our Lord one thousand eight hundred and forty-two:

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, upon their oaths present: That Burrington Anthony, of the city of Providence, in the aforesaid county of Providence, gentleman, *alias* esquire, not regarding the duties of his allegiance to said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the government of the said State, and to set up and establish a false and pretended government in the place and stead thereof, on the third day of May in the year of our Lord one thousand eight hundred and forty-two, at the said city of Providence, in the aforesaid county of Providence, with force and arms, did combine and confederate with divers other evil disposed persons, to the jurors aforesaid unknown, to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect, his said false, malicious, and wilful design, he, the said Burrington Anthony, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence aforesaid, in the aforesaid county of Providence, with force and arms did signify that he would accept the ministerial office of sheriff of the aforesaid county of Providence, in the said State, in and under a certain usurped and pretended government to be set up and established in and over the said State; to which said office he, the said Burrington Anthony, then and there falsely claimed and asserted that he had been elected, chosen, and appointed by virtue of a certain false and pretended election, held and made in the said State on a certain day, to wit, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, at certain unlawful and void meetings and assemblies of divers freemen, inhabitants and residents of the said State, there held and assembled in the several towns of the said county of Providence, and in the several wards of the city of Providence, amongst other things, for the election of certain State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer of said State, and sheriff for said

county of Providence, which said meetings and assemblies were not called, held, or assembled in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town or ward meetings of the freemen of the several towns of the said State, or of the city of Providence, any prescribed form or forms of calling said town or ward meetings, being by accident or mistake omitted or overlooked, with the intent to overthrow and subvert the true, lawful, and rightful government of said State, and to set up and establish a false and pretended government therein, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Burrington Anthony, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true and lawful government of the said State, and to set up and establish a false and pretended government in the place and stead thereof, on the eighteenth day of April in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, with force and arms did unlawfully and knowingly suffer and permit his name to be used as a candidate for the ministerial office of sheriff of the aforesaid county of Providence, in the said State, in and under a certain usurped and pretended government, to be set up and established in and over the said State, to which said office he, the said Burrington Anthony, then and there falsely claimed that he might be elected, chosen, and appointed by virtue of a certain false and pretended election thereafter to be held and made in the said State on a certain day, to wit, on the said eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, at certain illegal and void meetings and assemblies of several freemen, inhabitants and residents of the said State, thereafter, to wit, on the said eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, to be held and assembled in the several towns of the said county of Providence, and in the several wards of the said city of Providence, amongst other things, for the election of certain State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, and sheriff of said county of Providence; which said meetings and assemblies were not to be called, assembled, or held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town or ward meetings of the freemen of the several towns of the said State or of the city of Providence, any prescribed form or forms of calling said town or ward meetings being by accident or mistake omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

A true bill :

George C. Ballou, *foreman*  
Joseph Robinson  
Samuel M. Taber

Obhrey Jenne  
Horatio N. Waterman  
William H. Andrews

John Harris  
Nehemiah Scarborough  
Joseph W. Davis  
Henry S. Hazard  
Thomas Bowen  
Lyman W. Perkins  
Spencer Pease

Lewis W. Davis  
Jonathan Harris  
Caleb Allen  
Nathaniel Spaulding  
Caleb Hathaway  
Isaac Field

A true copy—Attest :

W. PAINE, Jr., *Clerk.*

Copy, &c., 85 cents—paid.

W. PAINE, Jr., *Clerk.*

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No. 218 a.

*Indictment vs. Hezekiah Willard.*

PROVIDENCE, sc.

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Providence, within and for the county of Providence, on the third Mouday of September, in the year of our Lord one thousand eight hundred and forty-two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, upon their oaths present: That Hezekiah Willard, of the city of Providence, in the aforesaid county of Providence, merchant, being an inhabitant of and resident within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, but wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power thereof, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously with force and arms did, with divers other false traitors, whose names are unknown to the said jurors, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and, to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Hezekiah Willard, did, on the third day of May, in the year of our Lord one thousand eight



hundred and forty-two, with force and arms, at the city of Providence aforesaid, in the aforesaid county of Providence, within the territorial limits of the said State of Rhode Island and Providence Plantations, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, maliciously and traitorously assume to exercise the legislative functions of senator of the said State, in a pretended General Assembly of the said State, then and there held, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Hezekiah Willard, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war, against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State ; and, to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Hezekiah Willard, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, and being, with divers other false traitors, to the jurors aforesaid unknown, then and there assembled and met together as a pretended General Assembly of said State, did maliciously and traitorously assume to exercise the legislative functions of a senator of the said State, in the said pretended General Assembly of the said State, then and there held, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Hezekiah Willard, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Provi-

dence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the fourth day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war, against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and, to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Hezekiah Willard, on the said fourth day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, with divers other false traitors, to the jurors aforesaid unknown, being then and there assembled and met together, did then and there, not being duly elected thereto, according to the laws of the said State, maliciously and traitorously assume to exercise the legislative functions of senator of the said State, in a pretended General Assembly of the said State, then and there held, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Hezekiah Willard, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war, against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the



place and stead of the true, lawful, and rightful government of the said State; and, to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Hezekiah Willard, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the said city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, and being, with divers other false traitors to the jurors aforesaid unknown, then and there assembled and met together as a General Assembly of the said State, did then and there maliciously and traitorously assume to exercise the legislative functions of senator of the said State, in the said pretended General Assembly of the said State, and, as such member, did then and there vote for the passage of divers pretended acts and laws for the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Hezekiah Willard, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature, rule, and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and, to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Hezekiah Willard, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, did, under a pretended constitution of government for the said State, maliciously and traitorously meet and assemble, with divers other false traitors, to the jurors aforesaid unknown, for the purpose of exercising the legislative functions of senator of the said State in a pretended General Assembly of the said State then and there held, contrary to the duty of his said allegiance and



fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

A true copy—Attest :

W. PAINE, JR., *Clerk.*

A true bill :

Geo. C. Ballou, *foreman*  
Joseph Robinson  
Samuel M. Taber  
Nehemiah Scarborough  
John Harris  
Joseph W. Davis  
Henry S. Hazard  
Thomas Bowen  
Lyman W. Perkins  
Spencer Pease

Obhrey Jenne  
Horatio N. Waterman  
William H. Andrews  
Lewis W. Davis  
Jonathan Harris  
Caleb Allen  
Nathaniel Spaulding  
Caleb Hathaway  
Isaac Field.

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No. 219.

*Indictment vs. William P. Dean, and certificate of imprisonment.*

WASHINGTON, SC.

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at South Kingstown, within and for the county of Washington, on the first Monday of November, in the year of our Lord one thousand eight hundred and forty-two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Washington, upon their oaths present :—That William P. Dean, of the city of Providence, in the county of Providence, gentleman, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State of Rhode Island and Providence Plantations to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, on the seventeenth day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the county of Providence, with force and arms unlawfully, falsely, maliciously, and traitorously did conspire, compass, imagine, and intend to raise and levy war, insurrection, and rebellion against the said State; and in order to perfect, fulfil, and bring to effect the said compassings, imaginations, and intents of him, the said William P. Dean, he, the said William P. Dean afterwards, to wit, on the said seventeenth day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Prov-

idence aforesaid, in the aforesaid county of Providence, with a great multitude of persons, whose names are at present to the jurors aforesaid unknown, to a great number, to wit, to the number of three hundred persons and upwards, armed and arrayed in a warlike manner, that is to say, with guns, muskets, swords, pistols, dirks, and other warlike weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traitorously assembled and gathered together, did falsely and traitorously assemble and gather themselves together against the said State, and then and there, with force and arms, did falsely and traitorously, and in a warlike and hostile manner, array and dispose themselves against the said State of Rhode Island and Providence Plantations; and then and there, that is to say, on the day and year aforesaid, at the city of Providence aforesaid, in the aforesaid county of Providence, within the said State, in pursuance of their traitorous intentions and purposes aforesaid, he, the said William P. Dean, with the said persons so as aforesaid traitorously assembled, and armed and arrayed in manner aforesaid, most wickedly, maliciously, and traitorously did ordain, prepare, and levy war against the said State of Rhode Island and Providence Plantations, contrary to their duty of allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said William P. Dean, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, on the 18th day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence aforesaid, in the aforesaid county of Providence, with force and arms, unlawfully, falsely, maliciously, and traitorously did conspire, compass, imagine, and intend to raise and levy public war, insurrection, and rebellion against the said State; and in order to perfect, fulfil, and bring to effect the said compassings, imaginations, and intents of him, the said William P. Dean, he, the said William P. Dean afterwards, to wit, on the said eighteenth day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence aforesaid, in the aforesaid county of Providence, with a great multitude of other persons, whose names are at present to the jurors aforesaid unknown, to a great number, to wit, to the number of three hundred other persons, and upwards, armed and arrayed in a warlike manner, that is to say, with guns, muskets, swords, pistols, dirks, and other warlike weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traitorously assembled and gathered together, did falsely and traitorously assemble and gather themselves together against the said State, and then and there, with force and arms, did falsely and traitorously, and in a warlike and hostile manner, array and dispose themselves against the said State; and then and there, that is to say, on the day and year last aforesaid, at the city of Providence aforesaid, in the aforesaid county of Providence, in pursuance of their traitorous intentions and purposes aforesaid, he, the said William P. Dean, with the said other persons so as aforesaid traitorously assembled and armed and arrayed in manner aforesaid, most wickedly, maliciously, and traitor-



ously did ordain, prepare, and levy public war against the said State, contrary to the duty of the allegiance of the said William P. Dean, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said William P. Dean, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, on the twenty-sixth day of June, in the year of our Lord one thousand eight hundred and forty-two, at Glocester, in the aforesaid county of Providence, with force and arms, unlawfully, falsely, maliciously, and traitorously did conspire, compass, imagine, and intend to raise and levy war, insurrection, and rebellion against the said State ; and in order to perfect, fulfil, and bring to effect the said compassings, imaginations, and intents of him, the said William P. Dean, he, the said William P. Dean, afterwards, to wit, on the said twenty-sixth day of June, in the year of our Lord one thousand eight hundred and forty-two, at Glocester aforesaid, in the aforesaid county of Providence, with a great multitude of other persons, whose names are at present to the jurors aforesaid unknown, to a great number, to wit, to the number of five hundred other persons, and upwards, armed and arrayed in a warlike manner, that is to say, with guns, muskets, swords, pistols, dirks, and other warlike weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traitorously assembled and gathered together, did falsely and traitorously assemble and gather themselves together against the said State, and then and there, with force and arms, did falsely and traitorously, and in a warlike and hostile manner, array and dispose themselves against the said State ; and then and there, that is to say, on the day and year last aforesaid, at Glocester aforesaid, in the aforesaid county of Providence, in pursuance of their traitorous intentions and purposes aforesaid, he, the said William P. Dean, with the said other persons so as aforesaid traitorously assembled and armed, and arrayed in manner aforesaid, most wickedly, maliciously, and traitorously did ordain, prepare, and levy war against the said State, contrary to the duty of the allegiance of the said William P. Dean, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said William P. Dean, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, on the twenty-seventh day of June, in the year of our Lord one thousand eight hundred and forty-two, at Glocester aforesaid, in the aforesaid county of Providence, with force and arms, unlawfully, falsely, maliciously, and traitorously did conspire, compass, imagine, and intend to raise and levy public war, insurrection, and rebellion against the said State ; and in order to per-



fect, fulfil, and bring to effect the said compassings, imaginations, and intents of him, the said William P. Dean, he, the said William P. Dean, afterwards, to wit, on the said twenty-seventh day of June, in the year of our Lord one thousand eight hundred and forty-two, at Gloucester aforesaid, in the aforesaid county of Providence, with a great multitude of other persons, whose names are at present to the jurors aforesaid unknown, to a great number, to wit, to the number of five hundred other persons, and upwards, armed and arrayed in a warlike manner, that is to say, with guns, muskets, swords, pistols, dirks, and other warlike weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traitorously assembled and gathered together, did falsely and traitorously assemble and gather themselves together against the said State, and then and there, with force and arms, did falsely and traitorously, and in a warlike and hostile manner, array and dispose themselves against the said State; and then and there, that is to say, on the day and year last aforesaid, at Gloucester aforesaid, in the aforesaid county of Providence, in pursuance of their traitorous intentions and purposes aforesaid, he, the said William P. Dean, with the said other persons so as aforesaid traitorously assembled, and armed and arrayed in manner aforesaid, most wickedly, maliciously, and traitorously did ordain, prepare, and levy public war against the said State, contrary to the duty of the allegiance of the said William P. Dean, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by

ALBERT C. GREENE,  
*Attorney General.*

A true bill:

Joseph Cross (of G.) *foreman*  
Bradford Clarke  
Eben Sherman  
Asher Palmer  
Wait R. Clarke  
George Sweet  
Luke Clarke, jr.  
Augustus Tucker

James Tillinghast  
James Whitehorn  
Rouse H. Lillibridge  
William T. Nichols  
David B. Knight  
William Champlin  
Samuel Rodman  
Christopher C. Lewis, jr.

WASHINGTON, SC.

CLERK'S OFFICE SUPREME JUDICIAL COURT,  
*March 3, 1843.*

The foregoing I certify to be a true copy of the indictment, the State vs. William P. Dean, as appears on file in said office.

Witness,

POWELL HELME, *Clerk.*

STATE OF RHODE ISLAND, &C.,  
*Jailer's Office, South Kingstown, April 6, 1844.*

WASHINGTON, SC.

I certify that William P. Dean was confined in this jail from August 30th to December 30th, 1842, on a mittimus at the suit of said State,

charged in said mittimus with treason against the State of Rhode Island, and levying war against the same, on complaint of William P. Blodget before Henry L. Bowen, justice of the peace.

I also certify that the said William P. Dean was confined in this jail from the 7th to the 23d of November, 1843, on a mittimus at the suit of the State of Rhode Island, &c., from the supreme court, having been indicted by the grand jurors within and for the body of the county of Washington on the above said complaint—for treason against said State of Rhode Island, &c., and levying war against the same.

J. S. SHERMAN, *Jailer.*

Fees 20 cents.—Received pay of John Babcock.

J. S. SHERMAN, *Jailer.*

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No. 220.

*Indictment vs. Benjamin Arnold.*

PROVIDENCE, *sc.*

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Providence, within and for the county of Providence, on the third Monday of September, in the year of our Lord one thousand eight hundred and forty-two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, upon their oaths present : That Benjamin Arnold, of the city of Providence, in the aforesaid county of Providence, grocer, being an inhabitant of, and residing within, the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, but wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power thereof, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the said city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the said jurors, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Benjamin Arnold, did, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the city of Providence aforesaid, in the aforesaid county of Providence, within the ter-

territorial limits of the said State of Rhode Island and Providence Plantations, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, maliciously and traitorously assume to exercise the legislative functions of member of the House of Representatives from the said city of Providence, in a pretended General Assembly of said State, then and there held contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Benjamin Arnold, being an inhabitant of, and residing within, the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State ; and, to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Benjamin Arnold, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the said city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, and being with divers other false traitors, to the jurors aforesaid unknown, then and there assembled and met together as a pretended General Assembly of said State, did maliciously and traitorously assume to exercise the legislative functions of member of the House of Representatives from said city of Providence, in the said pretended General Assembly of the said State then and there held, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Benjamin Arnold, being an inhabitant of, and residing within, the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not



weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the fourth day of May, in the year of our Lord one thousand eight hundred and forty two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Benjamin Arnold, on the said fourth day of May, in the year of our Lord one thousand eight hundred and forty two, with force and arms, at the said city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, with divers other false traitors, to the jurors aforesaid unknown, being then and there assembled and met together, did then and there, not being duly elected thereto according to the laws of the said State, maliciously and traitorously assume to exercise the legislative functions of member of the House of Representatives from the said city of Providence, in a pretended General Assembly of the said State then and there held, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Benjamin Arnold, being an inhabitant of, and residing within, the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to

fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Benjamin Arnold, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the said city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, and under a pretended constitution of government for the said State, and being, with divers other false traitors, to the jurors aforesaid unknown, then and there assembled and met together as a General Assembly of the said State, did then and there maliciously and traitorously assume to exercise the legislative functions of member of the House of Representatives from the said city of Providence in the said pretended General Assembly of the said State, and, as such member, did then and there vote for the passage of divers pretended acts and laws for the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Benjamin Arnold, being an inhabitant of and residing within the said State of Rhode Island and Providence Plantations, and being under the protection of the laws of the said State of Rhode Island and Providence Plantations, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and wickedly and traitorously devising and intending the peace of the said State to disturb, and to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place of the true and rightful government of the said State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, at the city of Providence, in the aforesaid county of Providence, maliciously and traitorously, with force and arms, did, with divers other false traitors, whose names are unknown to the jurors aforesaid, conspire, compass, imagine, and intend to stir up, move, and excite insurrection, rebellion, and war against the said State, and to subvert and alter the legislature rule and government of the said State, and to usurp the sovereign power of the said State, and to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State ; and to fulfil, perfect, and bring to effect his most evil and wicked treason and treasonable compassings and imaginations aforesaid, he, the said Benjamin Arnold, on the said third day of May, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the city of Providence, in the aforesaid county of Providence, within the territorial limits of the said State, as the same are now actually held and enjoyed, not being duly elected thereto according to the laws of the said State, did, under a pretended constitution of government for the said State, maliciously and traitorously meet and assemble with divers other false traitors, to the jurors aforesaid unknown, for the purpose of exercising the legislative functions of member of the House of Representatives from the said city of Providence, in a pretended General Assembly of the said State then and there held, contrary to the duty of his said allegiance and fidelity, against the form of

the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

A true copy :—Attest,

W. PAINE, Jr., *Clerk.*

A true bill :

Geo. C. Ballou, *foreman*  
Jonathan Harris  
Samuel M. Taber  
Caleb Allen  
Obhrey Jenne  
Lewis W. Davis  
Lyman W. Perkins  
William H. Andrews  
Horatio N. Waterman  
Spencer Pease

John Harris  
Nathaniel Spaulding  
Joseph Robinson  
Henry S. Hazard  
Nehemiah Scarborough  
Joseph W. Davis  
Caleb Hathaway  
Isaac Field  
Thomas Bowen.

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No. 221.

*Indictment vs. Charles H. Campbell and Andrew Thompson.*

BRISTOL, *sc.*

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Bristol, within and for the county of Bristol, on the second Monday of September, in the year of our Lord one thousand eight hundred and forty-two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Bristol, upon their oaths present : That Charles H. Campbell of Barrington, in the aforesaid county of Bristol, cordwainer, and Andrew Thompson, of the city of Providence, in the county of Providence, housewright, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren, in the aforesaid county of Bristol, a certain building erected for public use, to wit, for the use of an engine-house, for the use of the inhabitants of the said town of Warren, and belonging to, and the property of, the said town of Warren, and situate in said town, and ever hereby called and known as engine-house No. 1, in the night time, to wit, about the hour of twelve in the night of the same day, did break and enter with intent the goods and chattels of the said State of Rhode Island and Providence Plantations, to wit, two brass cannons, feloniously to steal, take, and carry away, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Charles H. Campbell and Andrew Thompson on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, a certain building occupied for a public purpose, to wit, for the pur-



pose of an engine house for the said town of Warren, and belonging to, and the property of, the said town of Warren, and situate in the said town of Warren, and ever hereby called engine-house No. 1, in the night time, to wit, about the hour of twelve in the night of the same day, did break and enter with intent the goods and chattels of the said State of Rhode Island and Providence Plantations feloniously to steal, take, and carry away, against the form of the statute in said case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Charles H. Campbell and Andrew Thompson, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, a certain building erected for public use, to wit, for the use of an engine-house for the said town of Warren, and to hold and shelter one of the fire-engines of said town, and belonging to, and the property of, the said town, and situate in the said town, in the night time, to wit, about the hour of twelve in the night of the same day, did break and enter with intent the goods and chattels of the Warren artillery feloniously to steal, take, and carry away, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Charles H. Campbell and Andrew Thompson, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren, in the aforesaid county of Bristol, a certain building occupied for a public purpose, to wit, for the purpose of an engine-house, and to hold and shelter one of the fire engines of the said town of Warren, and belonging to, and the property of, the said town, and situate in the said town, in the night time, to wit, about the hour of twelve in the night of the same day, did break and enter with the intent the goods and chattels of the Warren artillery to steal, take, and carry away, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Charles H. Campbell and Andrew Thompson, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, a certain building erected for a public use, to wit, for the use of a hearse-house, and to hold and shelter the hearse of the said town of Warren, and belonging to, and the property of, the said town, and situate in said town, in the night time, to wit, about the hour of twelve in the night of the same day, did break and enter with intent the goods and chattels of the Warren artillery, a military company established and incorporated by the General Assembly of the said State, to wit, two brass cannons, feloniously to steal, take, and carry away, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Charles H. Campbell and Andrew Thompson, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, a certain building occupied for a public purpose, to wit, for the purpose of a hearse-house, and to hold and shelter the hearse of the said town of Warren, and belonging to, and the property of, the said town, and

situate within the said town, in the night time, to wit, about the hour of twelve on the night of the same day, did break and enter, with the intent the goods and chattels of the Warren artillery, a military company established and incorporated by the General Assembly of the said State, to wit, two brass cannons, feloniously to steal, take, and carry away, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Charles H. Campbell and Andrew Thompson, on the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, and in the aforesaid county of Bristol, a certain building erected for public use, and occupied for a public purpose, to wit, for the use and purpose of a hearse house, to hold and shelter a hearse of the said town of Warren, and belonging to, and the property of, the said town, and situate in the said town, in the night time, to wit, about the hour of twelve in the night of the same day, did break and enter, with intent the goods and chattels of the Warren artillery, a military corporation, feloniously to steal, take, and carry away, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,

*Attorney General.*

The foregoing is a true copy from the original. Attest :

WM. THROOP,

*Clerk of the supreme court  
for the county of Bristol.*

APRIL 6, 1844.

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No. 222.

*Indictment vs. Joseph Gavit.*

WASHINGTON, sc.

At the supreme judicial court of the State of Rhode Island and Providence Plantations holden at South Kingstown, within and for the county of Washington, on the last Monday of May, in the year of our Lord one thousand eight hundred and forty-two, by adjournment from the second Monday of May, in said year, by act of the General Assembly of this State :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Washington, upon their oaths present :—That Joseph Gavit, of Charlestown, in said county of Washington, husbandman, *alias* gentleman, being moved and seduced by the instigation of the devil, wickedly devising and intending the subversion and overthrow of the government of this State, on the third day of May, in the year of our Lord one thousand eight hundred and forty two, not being duly elected thereto according to the laws of this State, and under a pretended constitution of government for this State, with force and arms, unlawfully, maliciously, and traitorously, *did assemble* at Providence, in the

county of Providence and said State of Rhode Island, with divers other persons to the jurors unknown, for the purpose of exercising legislative functions, and with like force and arms maliciously and traitorously *did assume to exercise, and did exercise, the functions of the office of member of the House of Representatives*, within the territorial limits of this State, as the same are now held and enjoyed; and did, together with the persons aforesaid to the jurors unknown, assuming to be the legislature of this State, usurp the sovereign power of this State, and commit the crime of treason against this State.

And so the jurors aforesaid, upon their oaths aforesaid, do say that the said Joseph Gavit aforesaid, in the manner and form aforesaid, unlawfully, maliciously, and traitorously, did assume to exercise, and did exercise, the functions of the office of member of the House of Representatives, and did commit the crime of treason against this State, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by

NATHAN F. DIXON,  
*Attorney General pro tem.*

A true bill :

Reynolds Hoxie, jr.  
William C. Tefft  
Amos J. Dawley  
John Chapman  
Bowdoin Hazard  
Albert Spink  
David C. Tefft

John Barber  
Solomon Sprague  
Abial T. Browning  
James W. Anthony  
John Nichols, jr.  
Robert D. Brown.

Witness sworn,—Samuel Currey.

Third day, May term, 1842, supreme judicial court, Washington county. The within defendant, Joseph Gavit, arraigned to the within indictment and pleaded "not guilty." Continued.

P. HELME, *Clerk.*

Fourth day, November term, 1842. Continued on motion of defendant.

P. HELME, *Clerk.*

I will prosecute this indictment no further.

JOS. M. BLAKE,  
*Attorney General.*

STATE OF RHODE ISLAND, &c., *Washington, sc.*

*Clerk's Office, Supreme Court at South Kingstown, April 5, 1844.*

I certify the preceding to be a true copy of the indictment, the State *vs.* Joseph Gavit, as appears on file in said office.

Witness :

POWELL HELME, *Clerk.*

50 cents paid by J. Babcock.



*Indictment vs. Sylvester Himes.*

WASHINGTON, SC.

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at South Kingstown, within and for the county of Washington, on the last Monday of May, in the year of our Lord one thousand eight hundred and forty-two, by adjournment from the second Monday of May in said year, by act of the General Assembly of this State:

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Washington, upon their oaths present: That Sylvester Himes, of North Kingstown, in said county of Washington, husbandman, *alias* gentleman, being moved and seduced by the instigation of the devil, wickedly devising and intending the subversion and overthrow of the government of this State, on the third day of May, in the year of our Lord one thousand eight hundred and forty-two, not being duly elected thereto according to the laws of this State, and under a pretended constitution of government for this State, with force and arms unlawfully, maliciously, and traitorously did assemble at Providence, in the county of Providence and said State of Rhode Island, with divers other persons to the jurors unknown, for the purpose of exercising legislative functions, and with like force and arms maliciously and traitorously *did assume to exercise, and did exercise, the functions of the office of member of the House of Representatives* within the territorial limits of this State, as the same are now held and enjoyed; and did, together with the persons aforesaid to the jurors unknown, assuming to be the legislature of this State, usurp the sovereign power of this State, and commit the crime of treason against this State.

And so the jurors aforesaid, upon their oaths aforesaid, do say that the said Sylvester Himes aforesaid, in the manner and form aforesaid, unlawfully, maliciously, and traitorously did assume to exercise, and did exercise, the functions of the office of member of the House of Representatives, and did commit the crime of treason against this State, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

NATHAN F. DIXON,  
*Attorney General pro tem.*

A true bill:

Reynolds Hoxsie, jr.  
William C. Tefft  
Amos J. Dawley  
John Chapman  
Bowdoin Hazard  
Albert Spink  
David C. Tefft

John Barber  
Solomon Sprague  
Abial T. Browning  
James W. Anthony  
John Nichols, jr.  
Robert D. Brown.

Witness sworn,—Samuel Currey.

Third day, May term, 1842, supreme judicial court Washington county.—  
The within defendant, Sylvester Himes, arraigned to the within indictment  
and pleaded “not guilty.” Continued.

Witness :

P. HELME, *Clerk.*

Fourth day, November term, 1842.—Continued on motion of defendant.

P. HELME, *Clerk.*

I will prosecute this indictment no further.

JOSEPH M. BLAKE,  
*Attorney General.*

STATE OF RHODE ISLAND, &c., *Washington, sc.*

*Clerk's Office, Supreme Court, South Kingstown, April 5, 1844.*

The preceding I certify to be a true copy of the indictment, State vs. Sylvester Himes, as appears on file in said office.

Witness :

POWELL HELME, *Clerk.*

Fifty cents paid by J. Babcock.

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No. 224.

*Indictment vs. David Parmenter.*

PROVIDENCE, *sc.*

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Providence, within and for the county of Providence, on the third Monday of September, in the year of our Lord one thousand eight hundred and forty two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, upon their oaths present:—That David Parmenter, of the city of Providence, in the aforesaid county of Providence, cordwainer, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, pretended, and usurped government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty two, with force and arms, at the said city of Providence, in the aforesaid county of Providence, did act as moderator of a certain illegal and void meeting of divers freemen, inhabitants and residents of the said State, then held at the said city of Providence, in the fifth ward thereof, for the purpose, amongst other things, of electing certain State officers for the said State, to wit, for the election of governor, lieutenant-governor, senators, attorney general, and general treasurer ; which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen, by law prescribed, nor by virtue of any law of the said State regulating the

calling of town or ward meetings of the freemen of the several towns of the said State and of the city of Providence; any prescribed form or forms of calling said town or ward meetings being, by accident or mistake, omitted or overlooked, against the forms of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said David Parmenter, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at the city of Providence, in the aforesaid county of Providence, did act as warden of a certain illegal and void ward meeting of divers freemen, inhabitants and residents of the said State, then held at the said city of Providence, and within the fifth ward of the said city, for the purpose, amongst other things, of electing certain State officers for the said State, to wit, for the election of certain pretended members of the House of Representatives from the said city of Providence to a pretended General Assembly of the said State; which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen, by law prescribed, nor by virtue of any law of the said State regulating the calling of town or ward meetings of the freemen of the several towns of the said State and of the city of Providence; any prescribed form or forms of calling said town or ward meetings being, by accident or mistake, omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said David Parmenter, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms at the said city of Providence, in the aforesaid county of Providence, did act as warden of a certain illegal and void ward meeting of divers of the freemen, inhabitants and residents of the fifth ward of the said city of Providence, then held at the said city of Providence, and within the limits of the fifth ward of said city of Providence, for the election, amongst other things, of certain pretended State officers for the said State, to wit, for the election of governor, lieutenant-governor, senators, attorney general, and general treasurer, and members of the House of Representatives from the said city of Providence to a certain pretended General Assembly thereafter to be held, which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town or ward meetings of the freemen of the several towns of the said State or of the city of Providence; any prescribed form or forms of calling said town or ward meetings being, by accident or mistake, omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present:



That the said David Parmenter, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty two, with force and arms at the said city of Providence, in the aforesaid county of Providence, did receive votes for the election of certain State officers of the said State, to wit, for the election of governor, lieutenant-governor, senators, attorney general, and general treasurer, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said David Parmenter, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms at the city of Providence, in the aforesaid county of Providence, did receive votes for the election of certain State officers for the said State, to wit, for the election of certain pretended members of the House of Representatives from the said city of Providence, in a pretended General Assembly of the said State, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

A true bill :

George C. Ballou, *foreman*  
Samuel M. Taber  
Nehemiah Scarborough  
Joseph W. Davis  
Joseph Robinson  
Henry S. Hazard  
Thomas Bowen  
Lyman W. Perkins  
Spencer Pease  
Obhrey Jenne

Horatio N. Waterman  
William H. Andrews  
Lewis W. Davis  
Jonathan Harris  
John Harris  
Caleb Allen  
Nathaniel Spaulding  
Isaac Field  
Caleb Hathaway

A true copy—attest :

W. PAINE, Jr., *Clerk.*

\$1 00 paid.

W. PAINE, Jr., *Clerk.*

*Indictment vs. George S. Nichols.*

WASHINGTON, SC.

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at South Kingstown, within and for the county of Washington, on the first Monday of November, in the year of our Lord one thousand eight hundred and forty-two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, [Washington,] upon their oaths present : That George S. Nichols, of North Kingstown, in the aforesaid county of Washington, yeoman, alias trader, not regarding his duty of allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at said North Kingstown, in the aforesaid county of Washington, *did act as moderator* of a certain illegal and void meeting of divers of the freemen, inhabitants and residents of the said State, then held at said North Kingstown, for the purpose, amongst other things, of electing certain State officers for the said State, to wit : for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, and members of the House of Representatives from said town of North Kingstown to a certain pretended General Assembly for the said State, thereafter to be held ; which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town or ward meetings of the freemen of the several towns of the said State, or of the city of Providence, any prescribed form or forms of calling said town or ward meetings being, by accident or mistake, omitted or overlooked ; against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said George S. Nichols, not regarding the duties of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at said North Kingstown, in the aforesaid county of Washington, *did act as moderator* of a certain illegal and void town meeting of divers of the freemen, inhabitants and residents of the said town of North Kingstown, then held at said North Kingstown, for the purpose, amongst other things, of electing certain State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, and members of the House of Representatives from the said town of North Kingstown to a pretended General Assembly of the said State thereafter to be held ; which said meeting was not called or held in the manner, for the purposes, and at the times, and by the free-

men by law prescribed, nor by virtue of any law of the said State regulating the calling of town or ward meetings of the freemen of the several towns of the said State or of the city of Providence, any prescribed form or forms of calling said town or ward meetings being, by accident or mistake, omitted or overlooked; against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said George S. Nichols, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, pretended, and usurped government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at said North Kingstown, in the aforesaid county of Washington, *did receive votes* for the election of certain State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said George S. Nichols, not regarding his duty of allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at North Kingstown, in the aforesaid county of Washington, *did receive votes* for the election of members of the House of Representatives from the said town of North Kingstown in a pretended General Assembly of the said State thereafter to be held; against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

A true bill:

Joseph Cross, (of G.,) *foreman*  
Bradford Clarke  
Eben Sherman  
James Tillinghast  
William Champlin  
Luke Clarke, jr.  
William T. Nichols  
Augustus Tucker

Wait R. Clarke  
George Sweet  
Asher Palmer  
James Whitehorn  
David B. Knight  
Rouse H. Lillibridge  
Samuel Rodman  
Cary D. Slocum.

WASHINGTON, ss:

CLERK'S OFFICE, SUPREME JUDICIAL COURT,  
March 4, 1843.

I certify the foregoing to be a true copy as appears on file in said office.  
Witness:

POWELL HELME, *Clerk.*



*Indictment vs. Martin Luther, and report of trial.*

## BRISTOL, SC.

At the supreme court of the State of Rhode Island and Providence Plantations, holden at Bristol, within and for the county of Bristol, on the second Monday of September, in the year of our Lord one thousand eight hundred and forty-three :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Bristol, upon their oaths present : That Martin Luther, of Warren, in the aforesaid county of Bristol, cordwainer, alias yeoman, alias gentleman, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, pretended, and usurped government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, did act as moderator of a certain illegal and void meeting of divers freemen, inhabitants and residents of the said State, then held at said Warren, for the purpose, among other things, of electing certain State officers for the said State, to wit, for the election of governor, lieutenant governor, secretary, senators, attorney general, and general treasurer ; which said meeting was not called nor held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town meetings of the freemen of the several towns of the said State—any prescribed form of calling said town meetings being, by accident or mistake, omitted or overlooked ; against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Martin Luther, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, did act as moderator of a certain illegal and void meeting of divers freemen, inhabitants and residents of the said State, then held at said Warren, for the purpose, among other things, of electing certain officers of the said State, to wit, for the election of certain pretended representatives from said town of Warren, in a pretended General Assembly of said State ; which said meeting was not called nor held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town meetings of the freemen of the several towns of the said State—any prescribed form of calling said town meetings being, by accident or mistake, omitted or overlooked ; against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Martin Luther, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, did receive votes for the election of certain State officers for the said State, to wit, for the election of governor, lieutenant governor, secretary, attorney general, and general treasurer, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Martin Luther, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, did receive votes for the election of certain State officers for the State, to wit, for the election of certain pretended members of the House of Representatives from said town of Warren, in a pretended General Assembly of said State, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Martin Luther, not regarding the duty of his allegiance to the said State, but falsely, wilfully, and maliciously contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, did act as moderator of a certain illegal, void, and pretended town meeting of divers of the freemen, inhabitants, and residents of the said town of Warren, then and there held, for the election of certain pretended State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, and members of the House of Representatives from the said town of Warren, to a certain pretended General Assembly thereafter to be held ; which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State prescribing the form or forms of calling town meetings of the freemen of the several towns of the said State—any prescribed form or forms of calling said town meetings being, by accident or mistake, omitted or overlooked ; against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

JOS. M. BLAKE, *Attorney General.*

STATE OF RHODE ISLAND, &c., }  
*County of Bristol.* } *sc.*

CLERK'S OFFICE SUPREME COURT,  
*for the aforesaid county, April 8, 1844.*

I certify the foregoing to be a true copy from the original in said office.  
 Attest :

WM. THROOP, *Clerk.*

STATE OF RHODE ISLAND, &c., }  
*County of Bristol,* } *sc.*

*Supreme Court, September term, A. D. 1843.*

*Indictment*—The State *vs.* Martin Luther.

Third day—arraigned on the indictment, and pleaded not guilty.

Fourth day—continued on affidavit of defendant.

*March term, A. D. 1844.*

Second day—the defendant arraigned and put to plead ; and, after having the indictment read, persisting in his former plea of not guilty, the following named jurors were empannelled and engaged to try the issue joined, viz :

George Pearce, (foreman,) Anthony Chase, Elijah Gray, Sullivan Martin, William Manchester, Lewis B. Smith, Samuel Wright, jr., James T. Freeborn, Nathaniel W. Sanders, Albert N. Humphrey, James Smith, Jonathan Noonig.

And after the pleas of the attorney general in behalf of the State, and the defendant in his own defence, the jury, after consultation, returned into court with the following verdict : “We find the defendant guilty in manner and form as charged in the indictment.”

[Defendant recommended by the jury to the mercy of the court.]

And on the same day said defendant was sentenced by the court as follows :

“The sentence of the court is, that the said Martin Luther pay as a fine to, and for the use of, the State, the sum of five hundred dollars ; that he be imprisoned in the State's jail in the county of Bristol, for the term of six months from and after this twelfth day of March, A. D. 1844 ; that he pay all cost of prosecution and conviction, and stand committed until sentence be performed in all its parts.”

BRISTOL, *SC.*

CLERK'S OFFICE, SUPREME COURT, *April 9, 1844.*

I certify the foregoing to be a true copy from the records in this office.  
 Attest :

WILLIAM THROOP, *Clerk.*



## REPORT OF THE TRIAL OF MARTIN LUTHER.

*State of Rhode Island vs. Martin Luther, for misdemeanor.*SUPREME COURT, *Bristol county,*  
*Tuesday afternoon, March 12, 1844.*

The jury empannelled to try this indictment were—from Bristol, James T. Freeborn, Jonathan Noonning, William Manchester, George Pearce, Elijah Gray, and James Smith; from Warren, Anthony Chase, Nathaniel W. Sanders, and Samuel Wright, jr.; from Barrington, Albert N. Humphrey, Lewis B. Smith, and Sullivan Martin.

Blake, attorney general, reads the indictment. Mr. Luther is charged with acting as moderator of a town meeting in Warren, on Monday, the 18th of April, 1842, and receiving votes polled for officers under the people's constitution.

Blake reads act of March, 1842, section 1. Calls as witnesses—

John S. Munroe—who, being sworn, says he saw votes given in, and Luther act as moderator on the day aforesaid.

Elias Magoun, (who acted as a spy,) testified that when he came into the room, defendant seemed to stop. He (Magoun) went there as a magistrate, to see that the laws were not violated.

William H. Driscoll.—Luther received the votes. Saw two votes for different officers put in by one person; one was for governor, and one for sheriff. The voter was not a freeholder. No other person but Luther claimed to act as moderator.

James Coffin.—Attended the meeting on the 18th of April, 1842, and saw one person vote. Does not know whether he was a freeholder or not. Luther received the vote, and acted as moderator. He said, "Walk up, gentlemen, the polls are open."

Joseph M. Smith.—Knows nothing about the case.

George Easterbrooks.—Voted, and Luther received his vote, acting as moderator.

Benjamin M. Bosworth.—All persons qualified under the people's constitution voted. Mr. Luther was chosen and acted as moderator. He received my vote and those of others.

Blake reads the certificate of the town clerk of the April town meeting under the charter, setting forth that no others were held.

Mr. B. also reads from Digest of 1822, act relating to April town meetings.

There was cross-examination of witnesses on the part of Mr. Luther, and he was without counsel. He called no witnesses in his behalf; and, when called to say if he had any defence to make, he rose and said:

"I conceive that the law under which I am indicted was null and void; in fact, a constitution had been adopted, and the law was in violation of it, and the constitution of the United States."

The court said that he must offer his evidence, if he had any.

Mr. Luther.—I can only offer the report of the committee of the convention, who counted the votes upon the people's constitution.

The court—Offer any evidence you have, and we will act on it. In another case, evidence of this kind has been ruled out. But we cannot act on a naked proposition.

Mr. Luther.—I know the report only as printed. I have it not with me. I did the particular acts charged. I do not deny them. In the same situa-

tion, I would do them again. I only deny that I acted in any way illegally or contrary to law.

Blake, attorney general, made a short address to the jury, on their duty to render a verdict according to law, and to take the law *exclusively* from the court.

Durfee, Ch. J., charged the jury that the law, under which the defendant was indicted, was a very good and proper law, and was made to preserve our State institutions. There cannot be two distinct State organizations. They must necessarily produce civil war. The act was intended to prevent the first steps. If it had been regarded, these difficulties would never have occurred. (Judge reads the preamble to the act.) Is it not a laudable object to prevent meetings under the pretended people's constitution? The defendant is guilty, if the evidence satisfies you that he did the acts alleged. In the opinion of this court, this act is a constitutional and binding law.

The jury retired at 4 o'clock; and at a quarter before 5 returned, to inquire when the act was passed upon which the indictment was founded. Being informed by the court, they again withdrew. At half-past five they came in, and, being called, returned a verdict of guilty, with a written recommendation, signed by all the jurors, to the mercy of the court.

The verdict having been recorded, Mr. Blake moved the court that the defendant be now called up, and that sentence be pronounced against him.

Durfee, Ch. J.—Does the defendant ask for any delay?

Mr. Luther.—No; I have no wish for any delay about it. This time is as good as any.

Durfee, Ch. J.—Sentence shall be immediately drawn up.

Chief Justice.—We impose upon the defendant the least punishment that the law will allow. If he would have any mitigation of the sentence, he must go to the General Assembly, taking the recommendation of the jury with him. The sentence was then read by the clerk:

"That the said Martin Luther pay to the State a fine of five hundred dollars, and be imprisoned for the term of six months."

Mr. Luther was then taken to Bristol jail, conformably with his sentence.

The jury that tried Mr. Luther was composed of *eleven* Algerines and *one* democrat—James Smith, of Bristol.

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#### No. 227.

#### *Indictment vs. B. M. Bosworth, and report of trial.*

#### BRISTOL, *sc.*

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Bristol, within and for the county of Bristol, on the second Monday of September, in the year of our Lord one thousand eight hundred and forty-two:

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Bristol, upon their oaths, present: That Benjamin M. Bosworth, of Warren, in the aforesaid county of Bristol, machine maker, not regarding the duty of his allegiance to the said

State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the government thereof, and to set up and establish a false and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, at said Warren, in the county aforesaid, with force and arms did combine and confederate with divers other evil-disposed persons to the jurors aforesaid unknown, to set up and establish a certain usurped and pretended government in the place and stead of the true, lawful, and rightful government of the said State; and to fulfil, perfect, and bring to effect his said false, malicious, and wilful design, he, the said Benjamin M. Bosworth, on the said eighteenth day of April, in the year of our Lord one thousand eight hundred and forty two, at Warren aforesaid, in the aforesaid county of Bristol, with force and arms, *did act as clerk* of a certain illegal and void meeting and assembly of divers freemen, inhabitants and residents of the said State then and at Warren aforesaid held and assembled, amongst other things, for the election of certain State officers, to wit, for the election of governor, lieutenant governor, attorney general, and general treasurer; which said meeting and assembly was not called, held, or assembled in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling assemblies, or holding of town meetings of the freemen of the several towns of the said State; any prescribed form or forms for the calling of said town meetings being, by accident or mistake, omitted or overlooked, with the intent to overthrow and subvert the true, lawful, and rightful government of the said State, and to set up and establish a false and pretended government therein, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Benjamin M. Bosworth, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, at Warren aforesaid, in the aforesaid county of Bristol, with force and arms, *did record votes* for the election of certain pretended State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Benjamin M. Bosworth, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty two, at Warren aforesaid, in the aforesaid county of Bristol, with force and arms, *did receive votes* for the election of certain pretended State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer,



against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present : That the said Benjamin M. Bosworth, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false and pretended government in the place and stead thereof, did, at Warren aforesaid, in the aforesaid county of Bristol, with force and arms, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, *record votes* for the election of certain pretended State officers for the said State, to wit, for the election of certain pretended members of the House of Representatives from the said town of Warren, in a pretended General Assembly of said State, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, on their oaths aforesaid, do further present : That the said Benjamin M. Bosworth, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at Warren aforesaid, in the aforesaid county of Bristol, *did act as clerk* of a certain illegal, void, and pretended town meeting of divers of the freemen, inhabitants and residents of the said town of Warren, then and there held, amongst other things, for the election of certain State officers for the said State, to wit, for the election of certain pretended members of the House of Representatives from the said town of Warren, in the General Assembly of said State ; which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen, by law prescribed, nor by virtue of any law of the said State regulating the calling of town meetings in the several towns of the said State, any prescribed form or forms for the calling of said town meetings, being by accident or mistake omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

STATE OF RHODE ISLAND, &c., }  
County of Bristol, } *sc.*

CLERK'S OFFICE SUPREME COURT,  
for the county aforesaid, April 8, 1844.

I, William Throop, clerk of said court, do hereby certify that at the September term of said court, held at Bristol, in said county, on the second Monday of said month, A. D. 1842, and on the fifth day of the term, Benjamin M. Bosworth aforesaid was arraigned on the indictment afore-

written, and put to plead, and pleaded not guilty; and on the eighth day of the term the indictment was continued on the affidavit of the said Bosworth; and on the fourth day of the March term of said court A. D. 1843, the same was continued on motion of defendant; and on the second day of the September term of said court A. D. 1843, said indictment was further continued; and on the seventh day of the March term of said court A. D. 1844, (held by adjournment April 4th, A. D. 1844,) the said Bosworth was arraigned on said indictment, and waiving the reading the indictment, and persisting in his former plea of not guilty. And the following named jurors were empanelled and engaged to try the issue joined, viz., George Pearce, (foreman,) James T. Freeborn, Jonathan Noonung, William Manchester, Elijah Gray, James Smith, Anthony Chase, Nathaniel W. Sanders, Samuel Wright, jr., Albert N. Humphrey, Lewis B. Smith, Sullivan Martin; and on the same day the said jury returned the following verdict: "We find the defendant guilty, in manner and form as charged in the indictment."

And the prisoner was recommended by the jury to the mercy of the court.

Sentence postponed to the next term of the court. And I further certify that the foregoing six pages contain a true copy from the records in said office.

Attest:

WM. THROOP, *Clerk.*

*Report of the trials of Benjamin M. Bosworth and Wilmarth Heath.*

Supreme Judicial Court.—Bristol county.—March term, 1844. (By adjournment.)

The case, *State vs. Benjamin M. Bosworth*, for acting as clerk of a town meeting in Warren, held under the people's constitution, was called. Levi Salisbury appeared for defendant, and moved a continuance, founded on affidavit, setting forth that a question vital to the issue under said indictment, and which would be raised on behalf of defendant at the trial thereof, is, whether the constitution said to have been adopted on the 27th, 28th, and 29th days of December, 1841, was, at the time the several supposed acts of the defendant are alleged to have been committed, the fundamental law and constitution of this State; and that said question is involved, and must be decided in the trial of the case of *Martin Luther vs. Luther M. Borden* and others, now pending in the Supreme Court of the United States at Washington, and expected to be tried at the next term thereof.

Mr. Salisbury said that the decision of the *Luther* case at Washington, if in favor of the plaintiff, would be decisive of this case, and a conviction here would be wrong.

The Court overruled the motion. Judge Durfee said: We do not recognise the jurisdiction of that court over this question. It is a question entirely within the jurisdiction of this court. Whatever constitution this court recognises, is binding upon them.

Judge Staples said the Supreme Court of the United States must decide in favor of the constitution recognised by the supreme court of this State. This State is a sovereign and independent State; and while he remained

on the bench, he should maintain that they had no right to decide in favor of any other constitution.

Salisbury—If this decision is correct, I don't see as there was any use in carrying that case to Washington.

Chief Justice—Nor I, either.

On motion of attorney general, defendant was arraigned, and persisted in his plea of not guilty.

Counsel for defendant objected to the jurors from the town of Warren, on the ground that the jury-box had not been examined the last year as required by law, and stated that evidence would be presented of the fact.

The court decided that they could not look behind the regular return of the town clerk. If there had been any irregularity, the town council were liable, and defendant could pursue them.

The attorney general read the indictment, and opened the case in a few remarks laudatory of the Algerine law, and the prudence and foresight of the General Assembly in passing it; and proceeded to call the witnesses.

William H. Driscoll, sworn—Was present at a town meeting in Warren, on the 18th April, 1842, and saw a person vote; saw defendant sitting at a table, and writing. Don't know what he wrote. Thought defendant was clerk of the meeting.

James Coffin, sworn—Was present at the town meeting on the 18th of April; remained there fifteen or twenty minutes; saw a person vote; thought defendant recorded it; saw him write; did not see what he wrote; defendant sat near the moderator; fifteen to twenty persons were present; believes there were notices put up calling the meeting; "*disremember*" about any name being signed to the notices; did not vote—hope not; was not a Dorr-ite, and hoped he never should be.

George Easterbrooks, sworn—Was present and voted at a town meeting on the 18th April, 1842. Voted for State officers. Saw defendant sitting at a table with two or three others. One person writing—not defendant. Did not see any person record votes. Saw a list of votes afterwards, supposed in defendant's hand-writing, as I had heard he was clerk of the meeting. Was at the meeting three times in the course of the day. Was not a voter under the old charter.

William H. Driscoll recalled—Heard defendant say to the attorney general, before he was indicted, "You need not keep Driscoll here; let him go about his business: I admit all the facts." I had not then been before the grand jury. Supposed he referred to the charges preferred against him, as they were conversing on that subject.

Elias Magoun, sworn—Was present at the town meeting on the 18th April, 1842; Luther was moderator; defendant was clerk, if there was any clerk. No person voted while I was there. Defendant has told me since, he was clerk; and if I did not believe it, he would show me the book and records. Was a magistrate—justice of the peace; felt it a solemn duty to go and see if the laws were violated. Should not have attended, were I not a magistrate; did not immediately issue warrants against these men; did not see the book and records.

John S. Munro, sworn—Was present at the meeting on the 18th April, 1842, and voted for general and State officers; the moderator received my vote; cannot say who acted as clerk; have never heard defendant say he acted as clerk; was there three times in the course of the day; at one time, saw a number sitting at the desk.



Joseph M. Smith, sworn—Heard defendant tell Magoun he acted as clerk of the town meeting on the 18th April, 1842, and if he would go to his house he would show him the records. This was said in the course of conversation between them in my shop. Believe he was in earnest when he said he acted as clerk. I advised Magoun to go and see the records.

The attorney general read a certificate from Samuel Randall, town clerk of the town of Warren, setting forth that no town meeting had been called to be held on the 18th April, 1842, under the charter; which closed the testimony.

Counsel for defendant rose, and, after remarking upon the character of the charge against defendant, said that it was no fault of the defendant that this indictment was still pending here. The General Assembly had conferred discretionary power on the governor and attorney general, to *nol. pros.* these indictments on application. Such application has been made. If the General Assembly acted in good faith, they intended this should be a mode of disposing of all these prosecutions; but the defendant is here on trial, not through any obstinacy of his own, but solely by the will of one man.

The court here interposed, and told the counsel he must confine himself to the issue.

Counsel for defendant then briefly reviewed the testimony, and was proceeding to argue against the validity of the law of pains and penalties, inasmuch as it was in derogation of the fundamental principles of American liberty, when he was again stopped by the court, and told that the jury had nothing to do with questions of law. They must take the law from the court.

Counsel for defendant—This is contrary to the understanding of the bar, and what I had supposed has been, until recently, the opinion of this court.

Court—The jury must decide according to the evidence, and the law as we give it to them. If we give them the wrong law, we are responsible.

The counsel for defendant here closed his remarks by saying to the jury, that the case was wholly in their hands; and whatever their decision was, and upon whatever reasons founded, no power on earth could call them to account.

The attorney general briefly closed the case. He reviewed the evidence, which he deemed full and explicit, and the jury must return a verdict of guilty on that evidence.

The court read the law of pains and penalties to the jury, and instructed that that was the law in the case; if the evidence was sufficient to convince them that he was guilty of the act charged, they must return a verdict of guilty.

The jury retired to their room, and the court took a recess for about one hour.

The jury, after being out about one hour and a half, returned into court with a verdict of guilty and recommending the prisoner to mercy.

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On the meeting of the court after the recess, the jury being still out on the case of Bosworth, the court ordered a *venire* to issue for a second jury. The *venire* was served among the bystanders and returned, and the jurors called—all in about ten minutes—when it was found they were all Algerines,

as follows : Hezekiah Bosworth, (foreman,) George G. Hazard, James Coffin, Suchet Mauran—of Warren ; Nathaniel Coggeshall, Benjamin Tilley, Mason W. Pearce, John Fletcher, George Littlefield, Amos T. Gorham, Horace Peck, Charles Fales—of Bristol.

The case, *State vs. Wilmarth Heath*, charged with acting as moderator of a town meeting held under the people's constitution in the town of Barrington, was called.

Mr. Salisbury, for defendant, presented an affidavit for a continuance, on the ground that, owing to ill health, defendant had not been able to procure the counsel he desired.

The court overruled it, and the defendant was arraigned, and pleaded not guilty.

Objection was made to one of the jurors, (Suchet Mauran, of Warren,) on the ground that he arrested and committed defendant in 1842, under martial law. The juror (in 1842 a resident of Barrington) replied that he held no prejudice against defendant, but considered him a good neighbor.

Two witnesses, Thomas R. Allen and Nathaniel C. Smith, were called to the stand, who testified that the defendant officiated as moderator of a town meeting in Barrington, on the 18th of April, 1842, and received votes for State officers under people's constitution.

No cross-examination of witnesses.

The attorney general read a certificate from Ebenezer Tiffany, town clerk of the town of Barrington, setting forth that no town meeting had been called to be held on the 18th April, 1842, under the charter ; which closed the testimony.

Mr. Salisbury remarked, that on this evidence, and under the ruling of the court in the other case, he deemed it useless to argue this case to the jury. He was not disposed to waste time ; and, being so permitted by the defendant, he left the case with the court.

The attorney general made a few remarks on the testimony.

The court briefly charged the jury with the law, and they retired. After being out about ten minutes, they returned into court with a verdict of **GUILTY**, and recommending the prisoner to mercy.

The sentence, in both cases, was postponed till the next term, on affidavit—in Bosworth's case, on account of sickness in his family ; and in Heath's, on account of his own ill health.

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No. 228.

*Indictment vs. Wilmarth Heath, and report of trial, (supra.)*

BRISTOL, *sc.*

At the supreme judicial court of the State of Rhode Island and Providence Plantations, holden at Bristol, within and for the county of Bristol, on the second Monday of September, in the year of our Lord one thousand eight hundred and forty-two :

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Bristol, upon their oaths present : That Wilmarth Heath, of Barrington, in the aforesaid county of

Bristol, yeoman, not regarding the duty of allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of said State, and to set up and establish a false and pretended and usurped government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at said Barrington, in the aforesaid county of Bristol, *did act as moderator* of a certain illegal and void meeting of divers freemen, inhabitants and residents of the said State, then held at said Barrington, for the purpose, amongst o'her things, of electing certain State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer; which said meeting was not called or held in the manner, for the purposes, at the time, and by the freemen, by law prescribed, nor by virtue of any law of the said State regulating the calling of town meetings of the freemen of the several towns of the said State; any prescribed form of calling town meetings being, by accident or mistake, omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Wilmarth Heath, not regarding the duty of his allegiance to the said State, and falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty two, with force and arms, at said Barrington, in the aforesaid county of Bristol, *did act as moderator* of a certain illegal and void meeting of divers freemen, inhabitants and residents of the said State, then held at said Barrington, for the purpose, amongst other things, of electing certain State officers for the said State, to wit, for the election of certain pretended members of the House of Representatives from said town of Barrington, in a pretended General Assembly of the said State; which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State regulating the calling of town meetings of the freemen of the several towns of the said State; any prescribed form or forms of calling town meetings being, by accident or mistake, omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, further present: That the said Wilmarth Heath, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty two, with force and arms, at said Barrington, in the aforesaid county of Bristol, *did receive votes* for the election of certain State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, and general treasurer, against the form of the statute in such case made and provided, and against the peace and dignity of the State.



And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Wilmarth Heath, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at said Barrington, in the aforesaid county of Bristol, *did receive votes* for the election of certain State officers for the said State, to wit, for the election of certain pretended members of the House of Representatives from said town of Barrington, in a pretended General Assembly of the said State, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Wilmarth Heath, not regarding the duty of his allegiance to the said State, but falsely, maliciously, and wilfully contriving the peace of the said State to disturb, and to subvert the true, lawful, and rightful government of the said State, and to set up and establish a certain false, usurped, and pretended government in the place and stead thereof, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and forty-two, with force and arms, at said Barrington, in the aforesaid county of Bristol, did act as moderator of a certain illegal void and pretended town meeting of divers of the freemen, inhabitants and residents of the said town of Barrington, then and there held for the election of certain pretended State officers for the said State, to wit, for the election of governor, lieutenant governor, senators, attorney general, general treasurer, and members of the House of Representatives from the said town of Barrington, to a certain pretended General Assembly hereafter to be held, which said meeting was not called or held in the manner, for the purposes, at the times, and by the freemen by law prescribed, nor by virtue of any law of the said State prescribing the form or forms of calling town meetings of the freemen of the several towns of the said State; any prescribed form or forms of calling said town meetings being, by accident or mistake, omitted or overlooked, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

ALBERT C. GREENE,  
*Attorney General.*

STATE OF RHODE ISLAND, &c., }  
*Bristol County,* } *sc.*

CLERK'S OFFICE SUPREME COURT,  
*in the aforesaid county, April 8, 1844.*

I certify the foregoing to be a true copy from the original in said office.

Attest :

WM. THROOP, *Clerk.*

STATE OF RHODE ISLAND, &c., }  
*County of Bristol,* } *sc.*

Supreme judicial court, September term, A. D. 1842. Indictment—the State vs. Wilmarth Heath.

Fifth day of the term, the defendant was arraigned, and pleaded “not guilty” to the indictment.

Eighth day, continued on affidavit of the defendant.

March term, A. D. 1843. Second day, continued on motion of defendant.

September term, A. D. 1843. Second day, continued.

March term, A. D. 1844. Seventh day, defendant arraigned and put to plead; and, waiving the reading of the indictment, and persisting in his former plea of “not guilty,” the following named jurors were sworn and empannelled to try the issue joined, viz :

Hezekiah Bosworth, (foreman,) Benjamin Tilley, John Fletcher, George G. Hazard, George Littlefield, Horace Peck, Charles Fales, Mason W. Pearce, James Coffin, Suchet Mauran, Amos T. Gorham, Nathaniel Coggeshall; and, on the same day, the said jury returned the following verdict:

“We find the defendant guilty in manner and form as charged in the indictment. Jury recommend the prisoner to mercy.”

Sentence postponed to the next term of the court.

BRISTOL, *sc.*

CLERK'S OFFICE, SUPREME COURT,  
*April 9, 1844.*

I certify the foregoing to be a true copy from the records in this office.

Attest :

WM. THROOP, *Clerk.*

No. 229.

*Certificate of the clerk of the court in Providence county, Rhode Island, showing the number of persons indicted in that county; and certificate of the jailer of the commitment of Otis Holmes.*

THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

PROVIDENCE, ss :

CLERK'S OFFICE SUPREME COURT,  
*April 3, A. D. 1844.*

I, Walter Paine, jr., clerk of said court for said county of Providence, do hereby certify, that at the September term of said court A. D. 1842, the following indictments were returned into court as true bills by the grand inquest of said State within and for the body of said county of Providence, viz :

Against *Andrew Esscx*, of Cranston, yeoman, for accepting the office of justice of the peace in said town of Cranston, having been elected thereto on the 18th day of April, A. D. 1842, under the (so called) people's constitution.

Against *Charles A. Slocum*, yeoman, of Gloucester, for acting as moderator of a town meeting held in said Gloucester on the 18th day of April, A. D. 1842, under the said people's constitution.

Against *Burrington Anthony*, of Providence, gentleman, *alias* esquire, for signifying his acceptance of the ministerial office of sheriff of the aforesaid county of Providence, to which office he had been elected by the people under the (so called) people's constitution on the 18th day of April, 1842.

Against *Franklin Cooley*, of Providence, stone cutter, and against *Benjamin Arnold*, of Providence, grocer, for treason, for accepting the offices of representatives of said city of Providence under said constitution, to which offices they were elected on said 18th day of April, 1842.

Against *Clovis H. Bowen*, of Gloucester, esquire, for acting as clerk of a certain illegal town meeting holden at said Gloucester on the 18th day of April, under the said people's constitution.

Against *Hezekiah Willard*, of Providence, merchant, for treason ; he having accepted the office of senator from said city of Providence, to which he was elected under said constitution, April 18th, 1842.

Against *William H. Smith*, of Providence, esquire, for treason ; he having accepted the office of secretary of state under said constitution, to which office he was elected on the 18th day of April, 1842, under said constitution.

Against *David Parmenter*, of Providence, cordwainer, for acting as a moderator of a certain illegal town meeting holden at said Providence on the 18th day of April, 1842, under said people's constitution.

I further certify, that, at the March term of said court, A. D. 1843, the grand inquest of said State, within and for the body of said county of Providence, did return as a true bill an indictment against *Charles S. Sanders*, of Smithfield, in said county, painter, for treason committed on the 17th day of May, A. D. 1842, by levying war against the State.

All which defendants have been arraigned, and are now under recognizance, with sureties, for their appearance whenever said indictments (all of which are now pending in said court) shall be called for trial.

Attest :

WALTER PAINE, Jr., Clerk.

Otis Holmes was committed to Providence county jail, June 26, 1842, by order of the governor and council ; July 29, 1842, was discharged by order of the governor ; and the same day committed to said jail by virtue of a mittimus signed by Henry L. Bowen, esquire, and left with the jailer, on which warrant he was detained in said jail until August 24, 1842, on which day he was delivered to the supreme judicial court, then sitting in Newport, on a writ of *habeas corpus*, as appears on record in criminal jail-book "C" of Providence county jail.

THOMAS CLEVELAND, Jailer.

PROVIDENCE, April 1, 1844.



## No. 230.

*Certificate of the keeper of the jail in Bristol county, Rhode Island, showing the number of persons committed, who were connected with the suffrage movements.*

I, Bennett J. Monro, keeper of the jail in the county of Bristol, and State of Rhode Island, do certify, that Stafford Healy and Loranus A. Brayton were committed to this jail June 29th, 1842, by order from John T. Childs, lieutenant 4th regiment R. I. militia, commanding at Warren; and that they were both discharged July 9th, 1842, by order of Governor King, having previously been examined before commissioners appointed by the legislature for that purpose.

Also, that Hiram Chappell, Andrew Thompson, Charles A. Campbell, David M. G. Hamilton, Caleb Bradley, and Wm. T. Olney, were brought from Providence, and committed to this jail July 20th, 1842, as prisoners of war, and remained as such until July 25th, 1842, when they were released as prisoners of war by order of Governor King, and were the same day arrested on warrants, and, after an examination, were again committed to take their trials before the supreme judicial court; the said Chappell, Olney, Bradley, and Hamilton being charged with treason against the State, and the said Campbell and Thompson charged with breaking into a building in the town of Warren, with intent to commit larceny. That the said Thompson was admitted to bail before a magistrate, August 13th, 1842. The said Campbell was admitted to bail September 19th, 1842, he having been previously indicted by the grand jury. The said Chappell was discharged September 17th, 1842, by order of court, the grand jury failing to find a bill against him. The said Hamilton was admitted to bail November 10th, 1842, by the supreme court, in consequence of sickness. The said Wm. T. Olney was discharged April 20th, 1843, by order of the governor and council. The said Caleb Bradley was discharged May 10th, 1843, also by order of the governor and council.

All of which appears of record in this office.

Attest:

BENNETT J. MONRO, *Jailer.*

BRISTOL COUNTY JAIL, April 2, 1844.

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No. 231.

*Statement of William J. Miller, showing the direction of Chief Justice Durfee to the jailer of Bristol county not to furnish certificates of commitment.*

I, William J. Miller, of Bristol, State of Rhode Island, say: That on last week I applied to the jailer of Bristol county for a copy from the records in his possession of all persons committed to jail in said county during the year 1842, connected with the suffrage movements in this State, and was told that he would furnish me with it as soon as he could make it out. The latter part of the week an adjourned term of the supreme court was held in Bristol, and the high sheriff of the county having learned that the

jailer had had such application made to him, made complaint to the court, who decided that the jailer need not furnish said copy. The language of the chief justice was: "We don't give any opinion as a court, but we think you (to the jailer) need not furnish any papers to send to Washington." The foregoing I overheard in the court-room; and was afterwards informed by the jailer that he could not furnish me with the papers I had applied for, and gave as the reason what the court said.

WILLIAM J. MILLER.

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No. 232.

*An act in addition to, and in amendment of, an act entitled "An act in relation to offences against the sovereign power of the State," passed by the General Assembly, January session, 1843.*

*Be it enacted by the General Assembly as follows:*

SECTION 1. All town, ward, or other meetings of the electors, inhabitants, or residents of this State, or of any portion of the same, for the election of any person or persons to any office or offices, place or places whatsoever, to which the people of this State may by law elect, called or held in any town of this State, or in the city of Providence, except in the manner, for the purposes, at the times, and by the electors by law prescribed, are illegal and void; and such meetings, and also all meetings of persons other than those authorized by law, calling themselves, when collected, or claiming to be the General Assembly of this State, or either house thereof, are hereby declared to be riotous, tumultuous, and treasonable assemblies; and the commander-in-chief, the sheriff of any county, or any deputy sheriff, any justice of the court of common pleas in any county, the mayor of the city of Providence, or, in his absence, the board of aldermen of said city, are hereby authorized and required to command such assemblies, or any of them, to disperse; and if they do not forthwith obey said command, then, by the civil posse, or if they deem it necessary, by calling out and using for that purpose the whole or any portion of the military force of this State within their respective jurisdictions, that they, or either of them, may deem sufficient therefor, to disperse such assemblies, or any of them, within their jurisdictions; and all such officers, and all military officers in this State, and persons under their command, are hereby directed to govern themselves accordingly.

SEC. 2. All moderators, wardens, or clerks, or persons acting as such, in any such illegal town, ward, or other meetings, hereafter held, shall be punished as is provided in the first section of the act to which this is in amendment, for the punishment of the moderators, wardens, clerks, or persons acting as such, therein mentioned.

SEC. 3. Any candidate for any such office, who shall signify that he will accept the same, if elected thereto by virtue of any such pretended elections in any such meetings, or shall knowingly suffer or permit his name to be used as the name of a candidate therefor, shall be punished as is provided for the candidates mentioned in the second section of the act to which this is in amendment.

SEC. 4. Any person or persons, except such as are duly elected thereto

according to the laws of this State, who shall, under a pretended constitution of government for this State, or otherwise, assume to exercise the functions of any legislative office or place whatsoever, to which the people of this State may by law elect, or shall meet with others for the purpose of exercising the functions of any such office or place, shall be punished as is provided in the third section of the act to which this is in amendment, for the punishment of the persons therein mentioned.

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No. 232 a.

*An act in amendment of an act entitled "An act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof."*

*Be it enacted by the General Assembly as follows :*

The act to which this is in amendment, is hereby so far amended as that if, in the making or attempting to make proclamation, as mentioned in said act, the persons assembled in manner therein specified do not forthwith disperse themselves, they are to be dealt with as is in said act provided ; and that so much of said act as requires the delay of an hour after making or attempting to make proclamation as aforesaid, is hereby repealed.

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No. 233.

*Laws relating to the military, passed by the General Assembly, May session, 1842.*

AN ACT establishing a military company by the name of the Warren Artillery, in the town of Warren, and county of Bristol.

Whereas the preservation of the United States depends in time of war, under God upon the military skill and discipline of the inhabitants: and, whereas a number of them in the town of Warren, and county of Bristol, have mutually agreed, for the public good, to form themselves into a company by the name of the *Warren Artillery*, in the town of Warren, and county of Bristol; and by their respectful petition prayed this Assembly to grant to them a charter of incorporation, with such privileges, and under such restrictions and limitations, as this Assembly should think proper :

Wherefore this Assembly, in order to give all due encouragement to so laudable a design and so noble a disposition, have ordained, constituted, and granted, and by these presents do ordain, constitute, and grant, that Charles Collins, Charles Smith, and William B. Snell, together with such others as have already joined them, or shall hereafter be added to them, not exceeding the number of one hundred, exclusive of officers, be, and they are hereby declared to be, a military company in the fourth regiment of militia, by the name of the *Warren Artillery*; and by that name shall have perpetual succession, and shall have and enjoy all rights, powers, and privileges in this grant hereafter mentioned.

*First.* It is granted unto this company, that they, or the greater part of



them, shall and may once in every year, that is to say on the third Monday in April, meet and assemble themselves together in some convenient place by them appointed, then and there to choose their own officers, to wit: one captain, four lieutenants, one quartermaster, and all other officers necessary for the training, disciplining, and well ordering the affairs of said company; at which election no officer shall be chosen but by the greater number of votes then present; the captain, lieutenants, and quartermaster to be approved of by the governor and senate for the time being, and to be commissioned by the governor under the seal of the State, and to be duly engaged like the officers of the militia.

*Secondly.* The said company shall have liberty to meet and exercise themselves on such days and as often as they shall think proper, but shall be obliged to meet four times in every year for drilling, training, and field duty, upon penalty of paying to and for the use of said company the following fines, to wit: the captain, lieutenants, and quartermaster, each six dollars, the non commissioned officers and privates each three dollars for every day's neglect, to be levied by warrants of distress directed to the quartermaster from the colonel, or other commanding officer of said company for the time being.

*Thirdly.* The said company, or the greater part of them, shall have power to make such rules and orders among themselves as they shall think necessary to promote the end of their establishment, but which shall be consistent with this grant; and to lay and levy such fines and forfeitures upon any of their own company, for the breach of any such rules and orders, as they shall think proper, so that the same shall not exceed six dollars for any one offence; and shall have full power to levy the same, as aforesaid, by warrant of distress directed to the quartermaster from the commanding officer for the time being.

*Fourthly.* All those who shall be duly enlisted in said company, so long as they continue therein shall be exempted from bearing arms or doing military duty (watching and warding excepted) in the several companies or training bands in whose district they respectively belong.

*Fifthly.* If any commissioned officer or officers of said company shall be disapproved by the governor and senate, or shall remove out of the county of Bristol, or shall be taken away by death, or shall resign, in either of those cases the captain of said company, or some commissioned officer for the time being, shall call said company together as soon as conveniently may be, and choose another or others in place of such officer or officers so incapacitated to serve as aforesaid, in the manner hereinbefore directed for the election of officers of said company.

*Sixthly.* It is further granted, that the captain of said company shall have full power, by warrant or commission under his hand and seal, to authorize all officers who shall be duly elected by said company, under the rank of quartermaster, to act in the rank or station to which they shall be respectively elected.

*Seventhly.* It is further granted, that the officers of the said company, when called into actual service with the militia, shall take rank according to their commissions.

*Eighthly.* This charter shall be forever subject to all future acts of this General Assembly, in amendment or repeal thereof, or in anywise affecting the same.

AN ACT in amendment of an act entitled "An act to incorporate the First Light Infantry Company in the second regiment of militia."

*Be it enacted by the General Assembly as follows :*

SECTION 1. Section first of the act entitled "An act to incorporate the First Light Infantry Company in the second regiment of militia" is hereby amended, so that there may be hereafter enrolled not exceeding two hundred men, exclusive of officers.

SEC. 2. All the corporate and other rights of said company, which may have become affected by reason of their having more men on their roll than by the charter was allowed, are hereby confirmed to the same extent as if they had not exceeded the number limited them by said charter.

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AN ACT to authorize the establishment of volunteer police companies in the city of Providence.

*Be it enacted by the General Assembly as follows :*

SECTION 1. The inhabitants of the city of Providence, or any portion of them, are hereby authorized to unite and form themselves into volunteer police companies, not exceeding fifty men in each company, to be commanded by one captain and two lieutenants, who shall be appointed and commissioned by the governor. Said companies may severally elect a clerk, and a proper number of non-commissioned officers. Said companies shall be designated in numerical order by the governor, and shall arm and equip themselves in such manner as they may deem proper. The officers of said companies shall severally hold and exercise their offices therein, until others are appointed in their places.

SEC. 2. Said companies may keep watch and ward in said city, under the general direction of the mayor or aldermen thereof; and shall be liable to be called out for the prevention or suppression of any tumult, riot, or mob in said city, by the authority and in the manner prescribed by the act entitled "An act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof;" and may be also called out by the authority and in the manner provided in and by the sixty-first section of the act entitled "An act to regulate the militia."

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No. 234.

*Laws relating to the military, passed by the General Assembly, June session, 1842.*

AN ACT to incorporate the Wakefield Cadets.

*Be it enacted by the General Assembly as follows :*

SECTION 1. George Whitford, John B. Dockray, William P. Dockray, Edwin A. Peckham, William H. Hazard, William R. Noyes, W. W. Avery, and William C. Watson, all of South Kingstown, in the county of Washington, their associates and such others as may hereafter be added unto them, not less than twenty five and not exceeding one hundred men, ex-

clusive of officers, are hereby created and made a body politic and corporate, by the name of the "Wakefield Cadets," in the eleventh regiment of militia; and by that name shall and may have a common seal and perpetual succession, and shall and may enjoy all the rights, powers, and privileges hereinafter mentioned.

SEC. 2. Said company, or the greater number of them, shall and may, once in every year, that is to say on the first Monday of April, meet and assemble together in some place by them appointed, then and there to choose their officers, to wit: one captain, three lieutenants, one ensign, and one quartermaster, who shall, by virtue of his office, be clerk of said company; and also such non commissioned officers as shall be necessary for the training, disciplining, and well-ordering said company. At such meeting no officer shall be chosen except by a majority of the votes then present; and the captain, lieutenants, and ensign so as aforesaid chosen, shall be approved of by the governor and senate for the time being, and shall be commissioned and engaged in the same manner as the militia officers in this State: *Provided*, That nothing herein contained shall be construed to exempt any officer from military duty, unless he shall have actually served as a commissioned officer for the term of five years.

SEC. 3. Said company shall be obliged to meet at least twice in each year, for military exercise, to wit: on the first Monday of April, and on the first Monday of September; and that for neglecting to appear at such meetings, neglecting to equip, refusal to obey any lawful order, or for un-officer-like or unsoldier-like conduct, the officers and privates of said company shall be subject to the same fines and penalties, to be collected and enforced in the same manner as by the existing militia law of this State.

SEC. 4. The said company, or the greater number of them, shall have power to make such rules and by-laws for such company as they shall deem necessary for the promotion of their object; and to impose such fines and forfeitures for the breach thereof as they shall think proper: *Provided*, That no fine for any one offence shall exceed the sum of five dollars; and said company shall have full power to levy and collect the fines they shall so impose, by a warrant of distress from the captain or other superior officer of said company for the time being, directed to the clerk or either of the sergeants of said company.

SEC. 5. All the members of said company, so long as they shall remain such, shall be exempted from bearing arms or doing military duty in the several companies or train bands within the districts in which they respectively live.

SEC. 6. If any commissioned officer or officers of said company shall be disapproved of by the governor and senate, or shall remove out of the limits of said regiment, or shall resign or decease, or his or their place or places become otherwise vacant, then, and in either of those cases, the captain of said company, or other superior officer for the time being, shall, by warrant, call a special meeting of said company as soon as conveniently may be, in order to choose another or other officers in the stead of those whose places have thus become vacant; said warrant to be served by some member of said company, by reading the same to the members of said company, or by leaving a copy of the same at their last and usual place of abode, at least four days before the time for such special meeting.

SEC. 7. When said company shall be reduced to less than twenty five



members, exclusive of officers, this act of incorporation shall be null and void, and the said company extinct.

SEC. 8. George Whitford shall be captain; John B. Dockray first, William P. Dockray second, Tennant T. Stedman, third lieutenant; Edwin A. Peckham ensign of said company until the next election; and commissioned accordingly.

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AN ACT to authorize the establishment of volunteer companies in the several towns of this State and in the city of Providence.

*Be it enacted by the General Assembly as follows :*

SECTION 1. The inhabitants of the several towns in this State and of the city of Providence, or any portion of them, are hereby authorized to form themselves into volunteer companies, to be commanded by one captain, and not less than two, nor more than three lieutenants, who shall be appointed and commissioned by the governor. Said companies may severally elect a clerk and a proper number of non-commissioned officers, and shall be designated in numerical order by the governor, and may equip themselves, or shall be equipped by him, at the expense of the State, in such manner as he shall deem proper. The officers of said companies shall be elected for one year on the last Monday of April in each year, and shall hold and exercise their offices for one year, and until others are appointed in their places.

SEC. 2. The commissions heretofore issued by the governor to the officers of the several volunteer companies established under the recommendation of the governor and council, and also under the act entitled "An act to authorize the establishment of volunteer police companies in the city of Providence," are hereby approved and confirmed; and the commanding officers of the several volunteer companies already established as aforesaid, or to be established under or by virtue of this act, shall determine their relative rank by lot, although their commissions may be of different dates; and their companies shall take post with them when on parade.

SEC. 3. Said companies may keep watch and ward in the city of Providence under the general direction of the mayor and aldermen of said city, and elsewhere under the general direction of the several town councils of the several towns in this State; and shall be liable to be called out for the prevention or suppression of any tumult, riot, or mob, in said city or town of this State, by the authority and in the manner prescribed by the act entitled "An act to prevent routs, riots, and tumultuous assemblies, and the evil consequences thereof," and any acts in addition to or amendment of the same; and may also be called out by the authority and in the manner provided in and by the sixty-first section of the act entitled "An act to regulate the militia."

SEC. 4. The commissioned officers of the several chartered and volunteer companies of the city of Providence, are hereby empowered to form said companies into a regiment, to be called "the City Regiment;" and the governor, by and with the advice of the senate, is hereby empowered to grant commissions to such proper officers as the said commissioned officers may elect or designate to command them; the colonel and other officers

of said regiment to hold their commissions until others are appointed in their places.

SEC. 5. The act entitled "An act to authorize the establishment of volunteer police companies in the city of Providence," is hereby repealed; all things heretofore done in conformity thereto being hereby validated, confirmed, and continued in force, in the same manner as if said act had not been repealed.

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AN ACT in amendment of an act entitled "An act to incorporate the independent company of cadets in the town of Providence."

*Be it enacted by the General Assembly as follows :*

Said company, now known by the name and style of the National Cadets, is hereby allowed to enroll men to any number not exceeding two hundred, exclusive of officers; and any act of this Assembly is hereby repealed, so far as its provisions are inconsistent herewith.

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AN ACT in amendment of "An act establishing a military independent company by the name of the Train of Artillery in the town and county of Bristol."

*Be it enacted by the General Assembly as follows :*

The act to which this is in amendment is hereby amended, so that said company shall hereafter consist of a number not exceeding two hundred, inclusive of officers.

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AN ACT in amendment of an act entitled "An act for establishing a military company by the name of the United Company of the Train of Artillery in the town of Providence."

*Be it enacted by the General Assembly as follows :*

SECTION 1. The first section of said act is so far amended, as that the officers chosen by said company shall be one captain and four lieutenants, who shall be commissioned accordingly; and such other non commissioned officers as shall be necessary to the training, disciplining, and well-ordering of said company.

SEC. 2. The fifth section of said act is hereby repealed.

SEC. 3. Said company shall be attached to the regiment in the city of Providence; and the officers of said company shall hereafter take rank and station in the same manner as the officers of other companies.

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*Voted and resolved,* That the sum of one thousand dollars be appropriated to build an armory and furnish equipments for the Kentish Guards; and that said sum be expended under the direction of Ezra Pollard and the colonel of said company, who are hereby authorized to draw on the general treasurer for said sum, for the purposes aforesaid: *Provided however,* That if said company is ever dissolved, the State shall be entitled to an equitable proportion of the value or proceeds of said armory, corresponding to the amount contributed; and that the sum hereby contributed be paid in six months from the date hereof.

AN ACT to annul the charters of certain military companies.

*Be it enacted by the General Assembly as follows :*

The charter of the independent company called the United Independent Volunteers, and the charter of the First Light Infantry Company in the fifteenth regiment of militia, are hereby repealed, and declared null and void.

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*Resolved*, That the governor be, and he hereby is, authorized to fill any vacancies which may now exist, or which may hereafter happen in the militia of this State, and to commission the persons appointed ; and also, in his discretion, to approve and commission any officers now or hereafter elected by any of the chartered companies of this State.

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*Resolved*, That the governor be, and he is hereby, authorized to appoint a special commissary general of the State, and also a surgeon general ; and that said commissary general and surgeon general be, and they are hereby, authorized severally to appoint so many assistants as they, in their discretion, may think necessary for the public service.

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*Resolved*, That the adjutant general and the quartermaster general be, and they are hereby, authorized severally to appoint so many assistants as they may deem the public service requires, with the rank of captain.

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Upon the petition of the Warren Artillery for an appropriation of seven hundred dollars for the purpose of aiding said company in building an armory : *Voted and resolved*, That the prayer thereof be granted, and that the sum of seven hundred dollars is hereby appropriated for that purpose, under the direction of Alfred Bosworth and Captain Samuel Pearce, who are authorized to draw on the general treasurer for that sum ; and it is hereby declared that said armory, when erected, shall be and remain personal property : *Provided however*, That if said company is ever dissolved, the State shall be entitled to an equitable proportion of the value or proceeds of the armory corresponding to the amount contributed, and that the sum hereby allowed be paid in six months from the date hereof.

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Upon the petition of the First Light Infantry of Providence for grant of money : *Voted and resolved*, That the prayer of said petition be so far granted as to appropriate for the use of said company the sum of twelve hundred dollars, to be paid by the general treasurer to the order of William W. Brown.

*Provided*, That if said company is ever dissolved, the State shall be entitled to an equitable proportion of the value of the proceeds of the armory corresponding to the amount contributed ; and that the sum hereby allowed be paid in six months from the date hereof.

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Upon the petition of the Bristol Train of Artillery for an appropriation to build an armory : *Voted and resolved*, That the prayer of said petition be granted, and that the sum of five hundred dollars, in addition to the sum of two hundred dollars heretofore granted, is hereby appropriated for the purpose of building an armory, under the direction of Byron Diman, William R. Taylor, and Jacob Babbitt, jr., who are hereby authorized to draw



on the general treasurer for that amount; and it is hereby declared that said armory, when erected, shall be and remain personal property: *Provided*, That if said company is ever dissolved, the State shall be entitled to an equitable proportion of the value or proceeds of the armory corresponding to the amount contributed; and that the sum hereby contributed be paid in six months from the date hereof.

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No. 235.

*Laws relating to the military, passed by the General Assembly, October session, 1842.*

AN ACT to incorporate the Sea Fencibles.

*Be it enacted by the General Assembly, as follows:*

SECTION 1. Nathaniel S. Mauran, Thomas Pearce, William P. Blodget, Truman W. Foster, William G. Mereweather, and William Cameron, all of the city and county of Providence, their associates, and such others as may hereafter be added unto them, not exceeding one hundred men, exclusive of officers, are hereby created and made a body politic and corporate, by the name of the Sea Fencibles in the second regiment of militia; and by that name shall and may have a common seal and perpetual succession, and shall enjoy all the rights, powers, and privileges hereinafter mentioned.

SEC. 2. Said company, or the greater number of them, shall and may once in every year, that is to say on the third Monday of April, meet and assemble together in some place by them appointed, then and there to choose their officers, to wit, one captain, three lieutenants, and one quartermaster, and one ensign, and also such non-commissioned officers as shall be necessary for the training, disciplining, and well-ordering of said company. At such meeting no officer shall be chosen, except by a majority of the votes present; and the captain, lieutenants, quartermaster, and ensign so chosen, shall be approved of by the governor and senate for the time being, and shall be commissioned by the governor, under the seal of the State, and be duly engaged like the officers of the militia.

SEC. 3. Said company shall have liberty to meet and exercise themselves on such days and as often as they shall think proper, but shall meet four times in every year for training, drilling, and field duty; and for neglecting to appear at such meetings, neglecting to equip, refusal to obey any lawful order, or for unofficer-like or unsoldier like conduct, the officers and privates of said company shall be subject to the same fines and penalties, to be collected and enforced in the same manner, as by the militia law of this State for the time being; said fines to be to and for the use of said company.

SEC. 4. Said company, or the greater number of them, shall have power to make such rules and by laws consistent with this grant as they shall deem necessary for the promotion of their welfare, and to impose such fines and forfeitures for the breach thereof as they shall deem proper, so that the same shall not exceed five dollars for any one offence, and shall have full power to levy and collect the same by warrant of distress from the captain or other superior officer of said company for the time being, directed to the quartermaster or either of the sergeants of said company.

SEC. 5. If any commissioned officer or officers of said company shall be disapproved by the governor and senate, or shall remove out of the county of Providence, or shall resign or decease, or his or their place or places become otherwise vacant, in either of these cases the captain of said company, or other superior officer for the time being, shall, by warrant, call a special meeting of said company as soon as conveniently may be, to choose another or other officers instead of those whose places have thus become vacant, in the manner before directed; said warrant to be served by some member of the company, by reading of the same to the members of said company, or by leaving a copy of the same at their last and usual place of abode, at least four days before the time of said special meeting.

SEC. 6. All the members of said company, so long as they continue such, shall be exempted from bearing arms or doing military duty in the several companies or train bands within the districts in which they respectively live.

SEC. 7. The captain of said company shall have full power and authority, by warrant or commission under his hand and seal, to authorize all officers which shall be duly elected by said company, under the rank of quartermaster, to act in the rank or station to which they shall be respectively elected.

SEC. 8. The officers of said company shall take rank in the regiment according to their commissions.

SEC. 9. Whenever the company shall be reduced to less than thirty members, this act shall become null and void.

SEC. 10. The officers now holding commissions in said company shall continue as such until the next annual meeting.

SEC. 11. This act shall be subject to all future acts of the General Assembly in amendment or repeal thereof, or in anywise affecting the same.

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AN ACT to incorporate the company of Woonsocket Guards, in the sixth regiment of militia.

Whereas the preservation of this State, in times of war and of public danger, depends, under Divine protection, upon the patriotism and military skill of its inhabitants: and whereas a number of the inhabitants of the village of Woonsocket and vicinity, in the towns of Smithfield and Cumberland, viz: Arnold Briggs, William H. Andrews, John Allen, John Allen, jr., Joseph Briggs, Thomas F. Mason, Jackson P. Mowry, Seth H. Vose, William H. Passmore, Jesse Gould, John Passmore, Arunah Grant, William J. Holder, Stephen S. Waterman, Thomas Conlin, Lyman Cooke, Eugene Martin, Cyrus Arnold, jr., Sidney S. Paul, Edward H. Sprague, Charles H. Stone, Wilson B. Robbins, Mowry Aldrich, Smith W. Paine, George F. Verry, Sullivan Ballou, Jacob Hicks, Charles L. Fisher, Willard Ballou, Henry G. Ballou, Nelson Chase, John Moore, Nathan Verry, Hiram Burnett, Henry Thayer, Darwin T. Briggs, James Robinson, Edwin S. Hull, William O. Bisbee, John Mowry, Noah L. Peck, William O. Mason, George Taft, and Enoch Whipple, have petitioned this General Assembly, setting forth that they have organized and formed themselves into a military body of infantry, and have petitioned for a charter of incorporation:

*Be it enacted by the General Assembly as follows:*

SECTION 1. The said petitioners, and such others as shall be hereafter

added unto them, not exceeding one hundred men, exclusive of officers, be, and they are hereby, created a body corporate and politic, by the name of the *Woonsocket Guards*, in the sixth regiment of the militia of this State; and by that name shall and may have a common seal and perpetual succession, and shall and may have and enjoy all the rights, powers, and privileges hereinafter mentioned.

SECT. 2. The said company shall and may, once in every year—that is to say, on the third Monday in April—meet and assemble themselves together, in some place by them or by their superior officer appointed, then and there to choose their officers, to wit: one captain, four lieutenants, and such non commissioned officers as shall be necessary for the disciplining and well-ordering of said company; at which election no officer shall be chosen, but by the greater number of the votes there present. The captain and lieutenants to be approved of by the governor and senate for the time being, and to be commissioned and engaged in the same manner as the other militia officers in the State.

SECT. 3. The said company shall and may meet for exercise at least four times in every year, upon the penalty of paying, for the use of the company, the following fines, viz: the captain, for every neglect, eight dollars; the lieutenants, each, six dollars; and the non-commissioned officers and privates, each, three dollars; the same to be collected in the manner prescribed by law for collecting fines in other militia companies. And said company shall have liberty to meet and exercise upon such other days, and as often as they shall deem necessary, and shall be subject to the orders and directions of the commandant or other field officers of the sixth regiment, and shall at all times be considered as attached to said regiment.

SECT. 4. The said company, or the majority of its members, shall have power to make such rules, by laws, and regulations among themselves, as they shall deem necessary to promote the design of their establishment; and to lay such fines and forfeitures upon any of its members, for the breach of any such rules, by-laws, and orders, as they shall think proper: providing the same does not exceed six dollars for any one offence. And they shall also have full power to levy the fines and forfeitures which they shall so impose, by a warrant of distress from the captain or other superior officer for the time being, directed to the clerk, or either of the sergeants of said company.

SECT. 5. All the members of said company, so long as they shall continue therein, shall be exempted from bearing arms, or doing military duty in the several companies, or train bands, in the districts in which they respectively live.

SECT. 6. If any commissioned officer or officers of the said company shall be disapproved of by the governor and senate, or shall resign, or shall decease, then, and in either of these cases, the captain of said company, or other superior officer for the time being, shall, by warrant, call a special meeting of the same, as soon as conveniently may be, in order to choose another, or others, to fill the offices vacated as aforesaid, in the manner hereinbefore directed for the election of officers of said company.

SECT. 7. If any action or suit shall be commenced for any matter or thing done by virtue of this act, the defendant may plead the general issue, and give this act in evidence.

SECT. 8. Whenever the said company shall be reduced to less than thirty



members, excluding officers, this act of incorporation shall become null and void.

SECT. 9. The following named members shall be, and they hereby are, appointed the officers of said company, to hold their respective offices until the last Monday of April next, and to be commissioned accordingly, viz: Arnold Briggs, captain; William H. Passmore, first lieutenant; Sidney S. Paul, second lieutenant; Eugene Martin, third lieutenant; and Thomas F. Mason, fourth lieutenant.

SECT. 10. This act shall be subject to all future acts of the General Assembly in amendment or repeal thereof, or in anywise affecting the same.

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AN ACT establishing a company of light dragoons by the name of the Providence Horse Guards in the city of Providence.

Whereas the efficiency of infantry is greatly increased by the co-operation of horsemen; and whereas a number of the inhabitants of the city of Providence, being deeply impressed with the necessity of such an addition to the present militia of the State, have mutually agreed to form themselves into a company, by the name of the Providence Horse Guards, in the city of Providence, and by their respectful petition have prayed this Assembly to grant to them a charter of incorporation, with such privileges and under such restrictions and limitations as this Assembly should think proper: Therefore,

*Be it enacted by the General Assembly as follows:*

SECTION 1. That Almon D. Hodges, George W. Hallett, Samuel G. Arnold, William W. Hoppin, John Giles, Moses B. Ives, John A. Wadsworth, and Thomas J. Stead, together with such others as are now or may hereafter be associated with them, not exceeding the number of two hundred, exclusive of officers, be, and they are hereby declared to be, a military company in the second brigade of Rhode Island militia, by the name of the Providence Horse Guards, and by that name shall have perpetual succession, and shall have and enjoy all rights, powers, and privileges, in this grant hereafter mentioned.

SEC. 2. It is granted unto this company that they, or the greater part of them, shall and may, once in every year—that is to say, on the third Monday of April—meet together in some convenient place by them appointed, then and there to choose their own officers, to wit: one captain, four lieutenants, one adjutant with the rank of lieutenant, and all other officers necessary for the training, disciplining, and well-ordering the affairs of said company; at which election, no officer shall be elected except by a majority of the votes of those present. The captain, lieutenants, and adjutant to be subject to the approval of the governor and senate for the time being, and to be commissioned by the governor under the seal of the State, and to be duly engaged like the officers of the militia.

SEC. 3. The said company shall have liberty to meet and exercise themselves on such days and as often as they shall think proper; but shall be obliged to meet four times in every year, for drilling, training, and field duty, upon the penalty of paying to and for the use of said company the following fines, to wit: the captain, lieutenants, and adjutant, each six dollars; the non-commissioned officers and privates, each, three dollars for every day's neglect; to be levied by warrants of distress directed to the ad-

jutant from the captain or other commanding officer of said company for the time being.

SEC. 4. The said company, or a majority of its members, shall have power from time to time to make such by-laws and regulations as they shall deem necessary, consistent with this grant; and to impose, for the use of said company, such fines and forfeitures upon its members, for the breach of any or all of such by laws and regulations as they shall deem proper, so that the fine or forfeiture shall not exceed six dollars for any one offence; and shall also have free power to levy such fines and forfeitures as may accrue as aforesaid, by warrants of distress directed to the adjutant from the commanding officer for the time being.

SEC. 5. All members of said company, so long as they shall continue regularly enrolled, shall be exempted from bearing arms or doing military duty in the several companies or training bands in whose districts they may severally belong.

SEC. 6. In case of the disapproval by the governor and senate of any commissioned officer or officers, or of his or their removal from the city of Providence, or of his or their death, or of his or their disability to hold said office or offices from any cause, the captain of said company, or the officer highest in rank for the time being, shall assemble said company as soon as convenient after said incapacity of such officer or officers is made known, for the purpose of electing another or others to supply the vacancy or vacancies caused by the incapacity as aforesaid, in the manner hereinbefore described for the election of officers.

SEC. 7. The captain legally elected of said company, is hereby fully empowered, by warrant or commission under his hand and seal, to authorize all officers who shall be duly elected by said company, below the rank of adjutant, to act in the rank or station to which they shall be respectively elected.

SEC. 8. This charter shall be forever subject to all future acts of this General Assembly in amendment or repeal thereof, or in anywise affecting the same.

SEC. 9. Almon D. Hodges shall be captain; George W. Hallett, first lieutenant; Samuel G. Arnold, second lieutenant; William Warner Hopkin, third lieutenant; John Giles, fourth lieutenant; John A. Wadsworth, adjutant, until the next election.

SEC. 10. Whenever said company shall be reduced to less than thirty members, this act shall become null and void.

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Whereas the preservation of this State from foreign foes in time of war, and from bad men and traitors in time of peace, depends, under Divine protection, upon the patriotism and military skill of its inhabitants; and whereas a number of the citizens of the town of North Kingstown, viz: George B. Thomas, John R. Greene, George C. Sandford, and others, have petitioned this General Assembly, setting forth that they have formed themselves into a military body, and prayed this General Assembly to grant them a charter of incorporation:

*Be it enacted by the General Assembly as follows:*

SECTION 1. The said petitioners, and such others as may be hereafter added unto them, not exceeding eighty men, exclusive of commissioned officers, are hereby made a body corporate and politic, by the name of the

Wickford Pioneers; and by that name shall and may have a common seal and perpetual succession, and shall and may have and enjoy all the rights, powers, and privileges hereinafter mentioned.

*First.* It is granted unto said company, that they, or the greater number of them, shall and may once in every year—that is to say, on the first Monday of April—meet and assemble themselves together in some place by them appointed, within the town of North Kingstown, then and there to choose their officers, to wit: one captain, three lieutenants, and one ensign, and such non commissioned officers as shall be necessary for the training, disciplining, and well ordering of said company; at which election, no officer shall be chosen but by the greater number of votes then present: the captain, lieutenants, and ensign, to be approved of by the governor and senate, and to be commissioned and engaged in the same manner as other militia officers in this State.

*Second.* Said company shall be obliged to meet for exercise at least four times in every year—to wit, on the first Monday of April, the first Monday in June, the first Monday in August, and the last Monday in September—with the power to substitute, by vote, the fourth day of July and the first Monday of October, for the first Monday in June and the last Monday in September, upon the penalty of paying to and for the use of the company the following fines: the captain, for each day's neglect, eight dollars; the lieutenants and ensign, each, six dollars; and the non commissioned officers and privates, each, four dollars; to be collected in the manner prescribed by law for collecting fines in other militia companies; and shall have liberty to meet and exercise upon such other days, and as often as their commanding officer shall, in his discretion, deem necessary. Said company shall be attached to the third brigade of militia.

*Third.* The said company, or greater part of them, shall have power to make such rules, by laws, and ordinances among themselves, as they shall think necessary to promote the design of their establishment; and to lay such fines and forfeitures upon any of their own company, for the breach of any such rules, by-laws, and orders, and for non equipment or non-attendance at any regular meeting of said company, when duly warned, so as the same do not exceed six dollars for any one offence; and they shall also have full power to levy fines and forfeitures they shall so impose, by warrant of distress from the captain, or other superior officer for the time being, directed to the sheriff, his deputy, or either of the town sergeants or constables in the county of Washington; which warrant shall be served, executed, and returned in like manner as is by law provided for the serving, executing, and returning of warrants for the collection of military fines.

*Fourth.* All members of said company, so long as they shall continue therein, shall be exempted from bearing arms, or doing military duty in the several train-bands or companies in the districts in which they respectively live.

*Fifth.* If any commissioned officer or officers of said company shall be disapproved of by the governor and senate, or shall remove out of the limits of the county of Washington, or shall resign, or decease, then, and in either of those cases, the captain of said company, or other superior officer for the time being, shall, by warrant, call a special meeting of said company as soon as conveniently may be, in order to choose another or others in the place of such officer or officers so incapacitated to serve, as aforesaid, in manner hereinbefore directed for the election of officers of said company.



SEC. 2. When the said company shall be less than twenty-five members, including officers, this act of incorporation shall be null and void, and the said company extinct.

SEC. 3. The following gentlemen are appointed the officers of said company, to hold their respective offices until the first Monday of April next, and that they be commissioned accordingly, viz: George B. Thomas, captain; John R. Greene, first lieutenant; George C. Sanford, second lieutenant; William Sanford, third lieutenant; and George W. Reynolds, ensign.

SEC. 4. This charter shall be hereafter subject to all acts of the General Assembly, either in amendment or repeal thereof.

AN ACT to incorporate the Manville Light Infantry.

*Be it enacted by the General Assembly as follows:*

SECTION 1. Daniel Hale, Stephen P. Irwin, Asa Dodge, Moses B. Almy, Samuel F. Man, all of Smithfield and Cumberland, in the county of Providence, their associates, and such others as may hereafter be added unto them, not less than twenty five, nor more than one hundred men, are hereby created and made a body politic and corporate, by the name of the Manville Light Infantry in the second brigade of militia; and by that name shall and may have a common seal and perpetual succession, and shall and may enjoy all the rights, powers, and privileges hereinafter mentioned.

SEC. 2. Said company, or the greater number of them, shall, once in every year—that is to say, on the third Monday in April, annually—meet and assemble together in some place by them appointed, then and there to choose officers, to wit: one captain, three lieutenants, one quartermaster and commissary, who shall rank as lieutenant, one clerk, who shall also rank as lieutenant, and also such non-commissioned officers as shall be necessary for the training, disciplining, and well-ordering said company. At such meetings, no officer shall be chosen except by a majority of the votes then present; and the captain, lieutenants, quartermaster and commissary, so as aforesaid chosen, if approved by the governor and senate for the time being, shall be commissioned and engaged in the same manner as the militia officers in this State: *Provided*, That nothing herein contained shall be construed to exempt any officer from military duty, unless he shall have actually served as a commissioned officer for the term of five years.

SEC. 3. Said company shall be obliged to meet at such times as the militia of the State may be required to meet by law for military exercise; and that for neglecting to equip according to law provided for the militia, or the by-laws of said company, refusal to obey any lawful order, or for unofficer-like or unsoldier-like conduct, the officers and privates of said company shall be subject to the same fines and penalties, to be collected and enforced in the same manner, as may be provided by the militia law of this State for the time being.

SEC. 4. The said company, or the greater number of them, shall have power to make such rules and by-laws for said company as they shall deem necessary, and shall not be repugnant to law, for the promotion of their object; and to impose such fines and forfeitures for the breach thereof, as they shall think proper: *Provided*, That no fine, for any one offence, shall exceed the sum of five dollars; and said company shall have full power to

levy and collect the fines they shall so impose, by a warrant of distress from the captain or other superior officer of said company for the time being, directed to the clerk or either of the sergeants of said company.

SEC. 5. All the members of said company, so long as they shall remain such, shall be exempted from bearing arms or doing military duty in the several companies or train-bands within this State.

SEC. 6. If any officer or officers of said company shall be disapproved of by the governor and senate, or if any one shall remove out of the limits of this State, or shall resign or decease, or his place become otherwise vacant, then, and in either of those cases, the captain of said company, or other superior officer for the time being, shall, by warrant, call a special meeting of said company as soon as conveniently may be, in order to choose another or other officers in the stead of those whose places have thus become vacant; said warrant to be served by some member of the company, by reading the same to the members of said company, or by leaving a copy of the same at their last and usual abode, at least four days before the time of such special meeting.

SEC. 7. This act shall be forever subject to all future acts of the General Assembly, either in amendment or repeal thereof, or in anywise affecting the same.

SEC. 8. Daniel Hale shall be captain; Asa Dodge, first lieutenant; Stephen P. Irwin, second lieutenant; Moses B. Almy, third lieutenant; Saml. F. Man, quartermaster and commissary; Joseph H. Streeter, clerk of said company, until the next election, and commissioned accordingly.

#### AN ACT establishing a military company by the name of the Rhode Island Guards.

Whereas the preservation of the United States depends in time of war, under God, upon the military skill and discipline of the inhabitants; and whereas a number of them in the towns of Warwick, Coventry, and Cranston, and counties of Kent and Providence, have mutually agreed, for the public good, to form themselves into a company by the name of the Rhode Island Guards; and by their respectful petition prayed this Assembly to grant to them a charter of incorporation, with such privileges, and under such restrictions and limitations as this Assembly should think proper: wherefore this Assembly, in order to give all due encouragement to so laudable a design, and so noble a disposition, have ordained, constituted, and granted, and by these presents do ordain, constitute, and grant, that John C. Harris, Philip Greene, David Pike, Sterry B. Fenner, Daniel G. Chase, John B. Brayton, Cyrus Harris, (S. W.) together with such others as have already joined them, or shall hereafter be added to them, not exceeding the number of one hundred, exclusive of officers, be, and they are hereby, declared to be, a military company in the fourth brigade of militia, by the name of the Rhode Island Guards; and by that name shall have perpetual succession, and shall have and enjoy all rights, powers, and privileges in this grant hereafter mentioned.

*First.* It is granted unto this company that they, or the greater number of them, shall and may once in every year—that is to say, on the third Monday in April—meet and assemble themselves together in some convenient place by them appointed, and then and there to choose their officers, to wit:

one captain, four lieutenants, one quartermaster, and all other officers necessary for the training, disciplining, and well ordering the affairs of said company; at which election, no officer shall be chosen but by the greater number of votes then present. The captain, lieutenants, and quartermaster, to be approved of by the governor and senate for the time being; and to be commissioned by the governor, under the seal of the State, and duly engaged like the officers of the militia.

*Secondly.* The said company shall have liberty to meet and exercise themselves on such days and as often as they shall think proper; but shall be obliged to meet four times in every year for drilling, training, and field duty, upon penalty of paying to and for the use of said company the following fines, to wit: the captain, lieutenants, and quartermaster, each six dollars; the non-commissioned officers and privates, each two dollars for every day's neglect; to be levied by warrant of distress directed to the quartermaster, from the captain or other commanding officer of said company for the time being.

*Thirdly.* The said company, or the greater part of them, shall have power to make such rules and orders among themselves as they shall think necessary to promote the end of their establishment, but which shall be consistent with this grant; and to lay such fines and forfeitures upon any of their own company for the breach of any such rules and orders as they shall think proper, so that the same shall not exceed six dollars for any one offence; and shall have full power to levy the same as aforesaid, by warrant of distress directed to the quartermaster, from the commanding officer for the time being.

*Fourthly.* All those who shall be duly enrolled in said company, so long as they shall continue therein, shall be exempted from bearing arms or doing military duty (watching and warding excepted) in the several companies or train bands in whose district they respectively belong.

*Fifthly.* If any commissioned officer or officers shall be disapproved of by the governor and senate, or shall remove out of the counties of Kent and Providence, or shall die or resign, in either of those cases the captain of said company, or some commissioned officer for the time being, shall call said company together as soon as conveniently may be, and choose another, or others, in place of such officer or officers so incapacitated to serve as aforesaid, in the manner hereinbefore directed for the election of officers of said company.

*Sixthly.* It is further granted, that the captain of said company shall have full power, by warrant or commission under his hand and seal, to authorize all officers who shall be duly elected by said company under the rank of quartermaster, to act in the rank or station to which they shall be respectively elected.

*Seventhly.* It is further granted, that the officers of the said company, when called into actual service with the militia, shall take rank according to their commissions.

*Eighthly.* This charter shall be forever subject to all future acts of this General Assembly in amendment or repeal thereof, or in anywise affecting the same.

*Ninthly.* The officers now in commission in said company shall continue as such until the next annual meeting.



Upon the petition of the committee on building an armory in the town of Warren, for the Warren Artillery, praying for further appropriation of eight hundred dollars for completing said armory—

*Voted and resolved*, That the prayer thereof be granted; and that the sum of eight hundred dollars is hereby appropriated for that purpose, under the direction of Alfred Bosworth and Samuel Pearce, who are authorized to draw on the general treasurer for that sum; and it is hereby declared that said armory, when erected, shall be and remain personal property: *Provided*, That if said company is ever dissolved, the State shall be entitled to an equitable proportion of the value or proceeds of the armory corresponding to the amount contributed, and that the sum hereby allowed be paid in six months from the date hereof.

*Resolved*, That the artillery company of the town of Newport be authorized to draw on the general treasury for seven hundred dollars, to enable said company to pay off the debt incurred by them in building their armory.

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No. 236.

*Laws relating to the military, passed by the General Assembly, January session, 1843.*

AN ACT to incorporate the company of Johnston Guards, in the fourteenth regiment of militia.

*Be it enacted by the General Assembly as follows:*

SECTION 1. George B. Randall, Maxon M. Ross, Zachariah French, Orren L. Brown, their associates, and such others as may hereafter be added unto them, not exceeding one hundred men exclusive of officers, are hereby created and made a body politic and corporate by the name of the *Johnston Guards*, in the fourteenth regiment of militia; and by that name shall and may have a common seal and perpetual succession, and shall enjoy all the rights, powers, and privileges hereinafter mentioned.

SEC. 2. Said company, or the greater number of them, shall and may once in every year—that is to say, on the third Monday in April—meet and assemble together in some place by them appointed, then and there to choose their officers, to wit: one captain, three lieutenants, and one quartermaster, and also such non commissioned officers as shall be necessary for the training, disciplining, and well-ordering of said company. At such meeting, no officer shall be chosen except by a majority of the votes present; and the captain, lieutenants, and quartermaster so chosen, shall be approved by the governor and senate for the time being, and shall be commissioned by the governor under the seal of the State, and be duly engaged like the other officers of the militia.

SEC. 3. Said company shall have liberty to meet and exercise themselves on such days and so often as they shall think proper, but shall meet four times in each year for training, drilling, and military duty; and, for neglecting to appear at such meetings, neglecting to equip, refusal to obey any lawful order, or for unofficer like or unsoldier like conduct, the officers, non-commissioned officers, and privates of said company shall be subject

to the same fines and penalties, to be collected and enforced in the same manner as by the militia laws of this State for the time being ; said fines to be to and for the use of said company.

SEC. 4. Said company, or the greater part of them, shall have power to make such rules and by-laws, not inconsistent with this act or the laws of the State, as they may deem proper for the good of the company ; and to impose such fines and forfeitures for the breach thereof, as they shall deem proper, so that the same shall not exceed five dollars for any one offence ; and all fines and forfeitures shall be collected in the manner prescribed by law for collecting fines in the militia.

SEC. 5. If any commissioned officer or officers of said company shall be disapproved by the governor and senate, or shall remove out of the county of Providence, or shall resign, or his or their place or places become otherwise vacant, in either of these cases, the captain of said company, or other superior officer for the time being, shall, by warrant, call a special meeting of said company, as soon as conveniently may be, to choose another or other officers to fill the place or places which have become vacant in the manner before directed ; said warrant to be served by some member of the company, by reading the same to the members thereof, or by leaving a copy of the same at their usual place of abode, at least four days before the time of such special meeting.

SEC. 6. All the members of said company, so long as they continue such, shall be exempted from bearing arms or doing military duty in the several companies in the districts in which they respectively live.

SEC. 7. The captain of said company shall have full power and authority, by warrant or commission under his hand and seal, to authorize all officers which shall be duly elected by said company, under the rank of quartermaster, to act in the rank or station to which they shall be respectively elected.

SEC. 8. The officers of said company shall take rank in the regiment according to their commissions.

SEC. 9. If any action or suit shall be commenced for any matter or thing done by virtue of this act, the defendant may plead the general issue, and give this act in evidence.

SEC. 10. Whenever the said company shall be reduced to less than thirty members, excluding officers, this act shall become null and void.

SEC. 11. The following named members are hereby appointed the officers of said company, to hold their respective offices until the first annual election, and to be commissioned accordingly, viz : Joseph S. Lockwood, captain ; Benjamin A. Harris, first lieutenant ; Orren L. Brown, second lieutenant ; George B. Randall, third lieutenant ; Caleb A. Harris, quartermaster.

SEC. 12. This act shall forever be subject to all future acts of this General Assembly in amendment or repeal thereof, or in anywise affecting the same.

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AN ACT establishing a company of cavalry by the name of the "Rhode Island Horse Guards," in the island of Rhode Island.

Whereas the efficiency of infantry is greatly increased by the co-operation of horsemen ; and whereas a number of the inhabitants of the island of Rhode Island being deeply impressed with the necessity of such an addi-

tion to the present militia of the State, have mutually agreed to form themselves into a company by the name of the *Rhode Island Horse Guards*, in the island of Rhode Island, and, by their respectful petition, have prayed the Assembly to grant to them a charter of incorporation, with such privileges, and under such restrictions and limitations, as this Assembly should think proper: therefore,

*Be it enacted by the General Assembly as follows:*

SECTION 1. That Thomas G. Rogers, J. H. Gilliat, Nathaniel Greene, T. C. Dunn, Joseph I. Bailey, John Vars, Seth Bateman, Joseph Thomas, Borden Chase, Thomas T. Sheffield, together with such others as now are or may hereafter be associated with them, not exceeding the number of two hundred, exclusive of officers, be, and they are hereby declared to be, a military company in the first brigade of Rhode Island militia, by the name of the *Rhode Island Horse Guards*, and by that name shall have perpetual succession, and shall have and enjoy all rights, powers, and privileges in their grant hereafter mentioned.

SEC. 2. It is granted unto this company that they, or the greater part of them, shall and may, once in every year—that is to say, on the third Monday of April—meet together in some convenient place by them appointed, then and there to choose their own officers, to wit: one captain, four lieutenants, one adjutant with the rank of lieutenant, and all other officers necessary for the training, disciplining, and well ordering the affairs of said company; at which election no officer shall be elected, except by a majority of the votes of those present. The captain, lieutenants, and adjutant to be subject to the approval of the governor and senate for the time being, and to be commissioned by the governor under the seal of the State, and to be duly engaged like the officers of the militia.

SEC. 3. The said company shall have liberty to meet and exercise themselves on such days and as often as they shall think proper, but shall be obliged to meet four times in every year for drilling, training, and field duty, upon the penalty of paying to and for the use of said company the following fines, to wit: the captain, six dollars; the lieutenants and adjutant, each four dollars; the non-commissioned officers and privates, each three dollars, for every day's neglect; to be levied by warrants of distress directed to the adjutant from the captain, or other commanding officer of said company for the time being.

SEC. 4. The said company, or a majority of its members, shall have power from time to time to make such by-laws and regulations as they shall deem necessary, consistent with this grant; and to impose, for the use of said company, such fines and forfeitures upon its members, for the breach of any or all of such by-laws and regulations, as they shall deem proper, so that the fine or forfeiture shall not exceed six dollars for any one offence; and shall also have free power to levy such fines and forfeitures as may accrue as aforesaid, by warrants of distress directed to the adjutant from the commanding officer for the time being.

SEC. 5. All members of said company, so long as they shall continue regularly enrolled, shall be exempted from bearing arms or doing military duty in the several companies or training bands in whose districts they may severally belong.

SEC. 6. In case of the disapproval by the governor and senate of any commissioned officer or officers, or of his or their removal from the island



of Rhode Island, or of his or their death, or of his or their disability to hold said office or offices from any cause, the captain of said company, or the officer highest in rank for the time being, shall assemble said company, as soon as convenient after said incapacity of such officer or officers is made known, for the purpose of electing another or others to supply the vacancy or vacancies caused by the incapacity as aforesaid, in the manner hereinbefore described for the election of officers.

SEC. 7. The captain legally elected of said company is hereby fully empowered, by warrant or commission under his hand or seal, to authorize all officers who shall be duly elected by said company, below the rank of adjutant, to act in the rank or station to which they shall be respectively elected.

SEC. 8. This charter shall be forever subject to all future acts of this General Assembly in amendment or repeal thereof, or in anywise affecting the same.

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*Resolved*, That the quartermaster general be a committee to furnish new carriages for the brass cannon of the Bristol train of artillery, and that he draw on the general treasurer for the expenses of the same.

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No. 237.

*First twenty-five sections of the existing militia law of Rhode Island, passed June session, 1843.*

AN ACT to regulate the militia.

*It is enacted by the General Assembly as follows :*

*Of the enrolled militia.*

SECTION 1. Every able-bodied white male citizen in this State, who is or who shall be of the age of eighteen years, and not exceeding the age of forty-five years, excepting persons absolutely exempted by the provisions of this act, and idiots, lunatics, common drunkards, paupers, vagabonds, and persons convicted of any infamous crime, shall be enrolled in the militia as hereinafter provided.

SEC. 2. In addition to the persons exempted from military duty by the act of Congress, there shall also be exempted from the performance of such duty the following persons, to wit : All persons who have holden the office of governor or lieutenant governor ; all persons who, after the last day of February, A. D. 1796, shall have holden any military commission or commissions, or staff office, with the rank of an officer of the line, for the space of five years successively, and who shall have been engaged thereon according to law, and been honorably discharged ; and also all persons who shall have holden any such military commission or commissions, or staff office aforesaid, for a less term than five years, and who have been superseded without their consent.

SEC. 3. Persons of the following descriptions, as long as they shall remain of said descriptions, shall be exempted from the performance of military duty, to wit : the justices and clerks of the supreme judicial court, the justices and clerks of the courts of common pleas, the secretary of state, the

attorney general, the general treasurer, the sheriff of each county, one ferry-man at each stated ferry, who usually navigates the boat, the keepers of light-houses within this State, all settled or ordained ministers of the gospel, the president, professors, tutors, students, and steward of Brown University, the town councils of the several towns, the mayor and aldermen of the city of Providence, town and city treasurers, town and city clerks, practising physicians, practising surgeons, (not including the pupils of either,) preceptors and ushers of academies and schools, and engine men : and provided that no engine shall have more than twenty men, unless otherwise provided by special enactment ; the members of fire hook and ladder companies, and chartered fire hose companies ; all persons belonging to the Society of Friends, commonly called Quakers ; and the inhabitants of the towns of New Shoreham and Jamestown, and of the island of Prudence, and such others as shall make oath or affirmation that they are conscientiously scrupulous against bearing arms ; which fact shall appear to the commanding officer by certificate of the magistrate before whom said oath or affirmation was given.

SEC. 4. It shall be the duty of the assessors of taxes in each town in this State, and of the city of Providence, annually to prepare a list or roll of all persons liable to be enrolled in the militia, as provided in the first section, together with all persons liable to do duty in case of invasion, insurrection, riot, and tumult, living within their respective limits, whether such persons be or be not attached to any chartered or regimental companies ; and to place the same in the hands of the town clerk of such town, and of the said city of Providence ; and it shall be the duty of every such clerk to record such list or roll of names in a proper book of record, to be kept for that purpose in every town in this State, and in the city of Providence. Annual returns of the militia, thus enrolled, shall be transmitted to the adjutant general in the month of October in each and every year, by the clerks aforesaid, and by him to the President of the United States. It shall also be the duty of said assessors to assess upon the persons liable to be enrolled in the militia as aforesaid, except in the towns of New Shoreham and Jamestown, and that portion of the town of Portsmouth forming the island of Prudence, a tax of fifty cents each, annually, distinguishing said tax in their assessment as a tax in commutation of military duty, which tax shall be collected with the State taxes, on property of said person, if any, and if none, then with the town taxes, if any, in the same manner as by law is provided for the collection of State and town taxes ; and if no property tax be assessed against him, then this tax shall be collected in manner aforesaid by itself. The several collectors of taxes shall be entitled to retain five per cent. of the amount of this tax so by them collected, in full compensation for their services for collection ; and they are hereby required to keep by itself this tax assessed and collected for militia duty, and to pay over the same to the general treasurer on or before the first day of January in each year. No such tax shall be collected of any person who holds a military commission, or who shall produce a certificate from the commanding officer of a regimental company that he has been enrolled and done duty therein according to law for at least one day within a year preceding the assessment of said tax, or who, whether as a commissioned officer, non commissioned officer, or private, has, within the terms of this act, been superseded or honorably discharged.

SEC. 5. Every keeper of a tavern or boarding-house, and every master or

mistress of a family or dwelling-house, shall, upon application of the assessors of taxes of the town or city within which such tavern or house is situated, or on application of any person acting under the direction and authority of such assessors, give information of the names of all persons residing in such tavern or house liable to enrollment, or to do military duty.

SEC. 6. If any non-commissioned officer or private shall become a pauper, vagabond, or common drunkard, or be convicted of any infamous crime, he shall be forthwith disenrolled from the militia.

### *Of the active militia.*

SEC. 7. The active militia of this State shall consist and be composed of the several chartered corps now existing, who shall, within sixty days after the passage of this act, voluntarily accept by vote the provisions of this act, and communicate the same to the adjutant general, (which acceptance shall be irrevocable,) and of all military companies which may be hereafter chartered. Said companies shall be drilled and disciplined as battalions as well as companies, and as the peace establishment of the State, and as nurseries of officers, shall be called regimental companies, or reduced regiments. The active militia shall, in all cases, be first ordered into service in case of war or invasion, or to prevent invasion, or to suppress insurrection, riot, or tumult, or to aid civil officers in the execution of the laws of the State.

SEC. 8. Whenever forty men shall have enrolled themselves as a corps of artillery or infantry, or thirty two men as a corps of cavalry, and have been uniformed as hereinafter required, and it shall be made to appear to the General Assembly that they are desirous to serve the State as a portion of the military force thereof, they shall be entitled to a charter in conformity with the system by this act established: *Provided, however,* That the number of such companies shall not exceed thirty; and that hereafter they shall be formed in the proportion of one regimental company to five hundred enrolled militia in the several towns or districts where such companies may be located, including in such proportion the existing companies: *And provided, further,* That every such regimental company may admit members to the number of five hundred, anything in the charters of said companies to the contrary notwithstanding.

SEC. 9. Whenever any corps of the active militia hereafter chartered shall at any time be destitute of commissioned officers, and, having been twice ordered to fill vacancies, shall neglect or refuse to fill them, or shall be reduced to a less number than twenty privates in a corps of cavalry, or thirty in a corps of infantry or artillery, and remain so reduced for three months, such corps may be disbanded by the General Assembly.

### *Organization.*

SEC. 10. The whole militia of this State shall be arranged in one division: the militia of the county of Newport shall form the first brigade; the militia of the county of Providence the second; the militia of the county of Washington the third; the militia of the county of Kent the fourth; and the militia of the county of Bristol the fifth brigade.

SEC. 11. The brigades shall consist of the several regimental companies or reduced regiments, in their respective limits, now existing or hereafter to be raised. The said regimental companies or regiments shall be numbered



through the division, according to the dates of their respective charters. In compensation for their services, every member of the active militia who shall be returned to the general treasurer, as hereinafter provided, as having done military duty four times in the year next preceding the return in any regimental company in this State, shall be entitled to an equal proportional part of the tax for militia duty, collected and paid into the general treasury as aforesaid, not exceeding the sum of five dollars a year to each man. In the month of January of each year, the general treasurer shall apportion the sum received as a tax for militia duty, as aforesaid, amongst the active militia, and issue certificates to the members of the several regimental companies returned as hereinafter provided, payable to their individual order, for their proportional part of the whole amount of said tax by him received, not exceeding five dollars per man, as aforesaid: *Provided, however,* The members of no existing chartered company of this State, who shall not accept the provisions of this act and conform thereto, shall be entitled to receive the compensation aforesaid.

SEC. 12. Every non-commissioned officer and soldier of any regimental company, who shall have done duty therein according to law for the term of seven years from the time of his enlistment, and shall have received an honorable discharge, shall not be compelled to do duty in the militia, except in time of war or invasion, or to prevent an invasion, or of insurrection, riot, or tumult. Such discharge, upon the completion of the term of service aforesaid, shall be given by the commanding officer of the brigade, upon the application of the commanding officer of the regimental company to which such private or non-commissioned officer may belong.

#### *How officered.*

SEC. 13. The officers and non commissioned officers of the militia shall be as follows, to wit: The governor for the time being shall be captain general and commander in chief; and he shall command, except when the militia shall be called into the service of the United States; and he shall be entitled to appoint his own aids, with the rank of colonel. There shall be one major general, two aids of the major general with the rank of major, and a military secretary with the rank of captain; one division inspector with the rank of lieutenant colonel; one adjutant general with the rank of brigadier general; one quartermaster general with the rank of brigadier general; the adjutant general and the quartermaster general, with the assent of the commander in chief, to appoint a sufficient number of assistants with the rank of captain; one commissary general with the rank of colonel; one paymaster general with the rank of colonel; one surgeon general, to appoint, with the assent of the commander in chief, a sufficient number of assistants; one purveyor general of hospitals. To each brigade there shall be one brigadier general; one aid, with the rank of captain; one brigade inspector, who is also to serve as brigade major, with the rank of major; one brigade quartermaster, with the rank of captain. To each regimental company or regiment there shall be one colonel, one lieutenant colonel, one major, one adjutant with the rank of captain, one quartermaster, one paymaster, (the quartermaster and paymaster each with the rank of lieutenant,) one surgeon, one chaplain, one sergeant major and one sergeant quartermaster, one drum major, and one fife major, and the necessary number of non commissioned officers. In time of war or insurrection, when new levies are draughted into

said regimental companies or regiments, as hereinafter provided, to each company of infantry, light infantry, and riflemen, there shall be one captain, one first lieutenant, one second lieutenant, and one third lieutenant, five sergeants, and four corporals; to each company of artillery there shall be one captain, one first lieutenant, one second lieutenant, and one third lieutenant, five sergeants, four corporals, and three drivers; to each company of cavalry there shall be one captain, one first lieutenant, one second lieutenant, one third lieutenant, five sergeants, four corporals, one saddler, one farrier, and one or more trumpeters.

SEC. 14. Whenever the office of major general, brigadier general, colonel, lieutenant colonel, major commandant, or captain, shall be vacant, or such officer be sick or absent, the officer next in rank shall command the division, brigade, regiment, battalion, or company, as the case may be, until the vacancy be supplied; and whenever the office of adjutant general and quartermaster general shall be vacant, the duties thereof shall be performed by the senior assistant adjutant and senior assistant quartermaster general, until the same be filled.

SEC. 15. Whenever a company belonging to a regiment or regimental company, filled up by draughts or levies, shall have neither commissioned nor non-commissioned officers, the commanding officer of the regiment to which such company belongs shall appoint suitable persons of said company to be non commissioned officers of the same; and the senior non commissioned officer of a company without officers shall command the same, except upon parade, and except as provided in the following section.

SEC. 16. Whenever any such company shall, from any cause, be without officers, the commanding officer of the regiment to which such company belongs may detail some officer of the staff, or of the line of the regiment, to train and discipline said company, until some officer shall be elected, or appointed by the commander in chief, as provided in the nineteenth section; and such officer, so detailed, shall have the same power and authority, and be subject to the same liabilities, as if he were captain in said company, and he shall keep the records of the company.

*Of elections and appointments of commissioned and non commissioned officers.*

SEC. 17. The officers of the line and general staff of the militia shall be elected as follows, to wit: division inspector, adjutant general, quartermaster general, commissary general, paymaster general, surgeon general, purveyor general of hospitals, by the General Assembly; the officers of regimental companies, as by their charter is or may be provided; brigadier general, upon the nominations of the colonels, lieutenant colonels, and majors of their respective brigades, by the General Assembly; the major general, upon the nomination of the several brigadier generals, by the General Assembly; brigade inspectors and brigade quartermasters by the General Assembly, upon the nomination of their respective brigade generals; or if there be no such nominations, or improper nominations, the above offices shall be filled by the General Assembly; aids to the commander-in-chief shall be appointed by the commander-in-chief; aids and military secretary of the major general, by the major general; aids to the brigadier generals, by the respective brigadier generals; adjutants, paymasters, quartermasters, and chaplains of regiments, by the respective colonels; surgeons and as-

sistant surgeons of regiments, by the respective colonels, with the approval of the surgeon general: *Provided, however,* That the General Assembly shall, for the year 1843, elect the major general and the brigadier generals, who shall hold their commissions until the first Tuesday of May, 1844, and until their successors are qualified to act: *And provided further,* That the commander-in-chief shall issue commissions, agreeably to the provisions of this act, to all the officers of such chartered companies now existing, who may accept the provisions of this act as aforesaid.

SEC. 18. Any person elected major general shall be forthwith notified of his election by the secretary of state, and shall, within twenty days after such notice, signify to the secretary his acceptance of said office, or shall be considered as having declined.

SEC. 19. Whenever any regimental company is filled up by draughts, or otherwise, to a regiment, it shall consist of eight companies of sixty men each, and the commander-in-chief shall have power to appoint a sufficient number of commissioned officers therefor from such regimental companies; and, in case of such filling up of regimental companies, the captains of the respective companies therein shall have power to appoint a sufficient number of non-commissioned officers for their respective companies.

SEC. 20. No officer, non-commissioned officer, or private shall be arrested on any civil process while going to, or returning from, or remaining at, any place at which he shall have been ordered to attend, for the election of any military officer, or the performance of any military duty.

#### *Of commissions.*

SEC. 21. All commissions for officers shall be signed by the commander-in-chief, and countersigned by the secretary of state, and shall be for the term of five years, except in case of regimental companies already chartered, who shall be governed as to the returns of their officers elected, and terms of the commissions of their officers, by their charters; warrants for regimental, staff, and non-commissioned officers, shall be signed and issued by the colonels of the regimental companies or the regiments respectively; and of non-commissioned officers of companies, by the commander thereof.

SEC. 22. All commissioned officers of the same grade shall take rank according to the respective dates of their commissions; and when two or more of the same grade bear an equal date, their rank shall be determined by lot, to be drawn by them before the commanding officer of the division, brigade, regimental company or regiment, company or detachment, or the president of a court martial, as the case may be. The day of election or appointment of any officer shall be the date of his commission; and whenever he shall be transferred to another corps or station of the same grade, the date of his original commission or appointment shall be the date of his commission: *Provided, however,* That the first commissions issued under this act to officers of companies who shall, within sixty days from and after the rising of this General Assembly, voluntarily accept the provisions of the same, shall, for the purpose of rank and command, bear date on the same day.

SEC. 23. Whenever any officer shall lose his commission, he shall be entitled to a duplicate commission of the same grade and date, on his affidavit made before a justice of any court in this State, on application to the commander in chief.



SEC. 24. All commissions shall be delivered to the adjutant general, and by him to the persons for whom they are intended.

SEC. 25. All brigade or field officers to whom commissions shall be sent or delivered by the adjutant general, shall signify to him their acceptance or refusal of such office, within thirty days after the receipt of the commissions. In case the person elected shall refuse his commission, or neglect to return any answer, that office shall be deemed vacant, and a new election may take place.

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No. 238.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,  
*In General Assembly, January session, 1843.*

AN ACT to regulate the election of civil officers, and for other purposes.

*Be it enacted by the General Assembly, as follows :*

SECTION 1. The town councils of the several towns in this State, and the mayor and aldermen of the city of Providence, shall be boards of canvassers of voters in their respective towns and in said city, as hereinafter provided ; and the town clerks of the several towns, and the city clerk of said city, shall act as clerks of said boards in their respective towns and said city.

SEC. 2. If any person claims a right to vote on account of having done military duty in the militia, or in any chartered or legally authorized volunteer company, the proof thereof shall be a certificate from the colonel of the regiment, or the captain or commanding officer of the chartered or legally authorized volunteer company, that he has, within the year next preceding his claim, and on or before the 31st day of December of said year, been enrolled, and in what company, and that he has done duty therein for at least one day, and been equipped according to law : *Provided, however,* That for voting in the year 1843, the certificate must be, that in the year 1842 such person has been enrolled, equipped, and done military duty according to law ; and that proof of the right to vote upon military service may be made by certificate of the commissioners on military claims, as provided in article 2d, section 2d, of the constitution ; and every colonel of a regiment, or captain or commanding officer of a chartered or legally authorized volunteer company, who shall wilfully refuse to grant such certificate to any person properly demanding and entitled to the same, or shall knowingly grant any such certificate to one not entitled thereto, shall, for each and every such offence, forfeit the sum of one hundred dollars. All certificates of military service performed in the year 1842, except certificates issued by the commissioners on military claims, shall, to be effectual as proof of such service, bear date and be issued after the passage of this act : and all such certificates heretofore issued, except those issued by the commissioners on military claims, are hereby declared to be void and of no effect as proof of such service, for voting in any future election. Every colonel or commandant of a regiment, and every captain or commanding officer of a chartered or legally authorized volunteer company, shall, on or before the first Monday of March in the year 1843, and in every year

thereafter, make return, by him certified and sworn to before some judge or justice of the peace, of all persons, arranging their names alphabetically, in his regiment or company, as the case may be, qualified to vote by military service as aforesaid, to the town councils of the several towns in which such persons reside ; or if they reside in the city of Providence, to the mayor and aldermen of said city ; and every colonel or commandant of a regiment, or captain or commanding officer of a chartered or legally authorized volunteer company, who shall neglect or refuse to make such return, or shall knowingly make a false or imperfect return, shall forfeit not less than twenty five, nor more than five hundred dollars.

SEC. 3. The colonels or commandants of the several regiments shall have full power, and it shall be their duty, to require from the captains and other officers and privates under their command, all such returns and evidence, under oath or affirmation, as may be necessary to enable them to comply with the provisions of the constitution and of this act ; and every captain, or other officer or private, refusing to make such returns, or to give such evidence when thereunto duly required, or making false returns, or giving false evidence, shall forfeit not less than twenty five, nor more than three hundred dollars.

SEC. 4. All registry and other taxes shall be paid to the collector of taxes only : *Provided, however,* That in case of a highway tax, where by law the same may be paid in labor or money to a surveyor of highways, the receipt of such surveyor of such payment shall be sufficient evidence thereof on settlement with the collectors. After the year 1843, no person who claims a right to vote upon the payment of a tax or taxes assessed for any other officer than mayor, aldermen, or common councilmen of the city of Providence, or upon any other proposition than one to impose a tax, or for the expenditure of money in any town or city, shall by the boards of canvassers be admitted to vote, unless upon the production of a certificate or certificates from the collector or collectors of taxes of some town or city in this State, that on or before the last day of December in the year next preceding he has paid such tax or taxes assessed for and within such year, at least to the amount of one dollar : *Provided, however,* That if he claims a right to vote upon the payment of a registry tax, such payment shall be certified as aforesaid by the collector of taxes of the town or city in which he resides and claims to vote : *And provided also,* That if his name has been registered for more than one year, two registry taxes for the two years next preceding the canvass having been assessed against him, and he claims the right to vote upon the payment of his registry tax, the certificate of the collector of such town or city must be produced before the canvassers, that on or before the last day of December next preceding the canvass he has paid such registry tax for each of the two years next preceding the time of voting, or that the same has been remitted by the town council or mayor and aldermen of the town or city in which he resides, in pursuance of the third section of the second article of the constitution. No person who, at any time after the passage of this act, claims a right to vote upon the payment of a property tax, in the election of the said city council of the city of Providence, or of any member of the same, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, shall in such case be admitted by the canvassers to vote, unless upon a certificate from the collector of taxes of such town or city that he has, on or before the last day of December in the year next preceding, paid a tax assessed for and

within such year, upon his property therein, valued at least at one hundred and thirty four dollars. Any collector of taxes who shall wilfully refuse to grant such certificate to any person demanding the same, and legally entitled thereto, or shall grant such certificate to one not entitled thereto, shall forfeit the sum of one hundred dollars for each and every such offence.

SEC. 5. Every town and city clerk of this State shall provide a suitable book for the registry of the names of all persons who, in order to vote, are required by the constitution to be registered; which book shall be kept in the office of the town or city clerk, for the purpose of such registry only, and shall always be open to the inspection of any elector of such town or city; and every town or city clerk in this State is hereby required to register in said book the name of every male inhabitant of the town or city, who shall demand such registry, and who shall declare that he is qualified by birth, and is or will be within a year qualified by age and residence to vote in such town or city, together with the date of the registry; and shall also register therein the name of every such inhabitant demanded to be registered by any elector of such town or city, who shall declare that such inhabitant is qualified by birth, and is or will be within a year qualified by age and residence to vote therein; in which case, besides the date of the registry, he shall also register, opposite the name of such inhabitant, the name of the elector demanding the same. Every town or city clerk who shall neglect to provide and keep such book, or who shall refuse, at all suitable times, to permit such inspection of the same, or who shall refuse or neglect to register the name of any person upon demand and declaration as aforesaid, or shall register a name without a date, or with a false date, shall forfeit the sum of one hundred dollars for each and every such offence.

SEC. 6. On or before the twentieth day of February in the year 1843, the clerks of every town and city of this State shall deliver to the assessors of taxes of their respective towns and cities a certified copy from the registry, alphabetically arranged, of the names of all persons registered to vote in such town or city on or before the 30th day of December, 1842. On or before the 20th day of January in the year 1844, and in each year thereafter, said clerks shall deliver to said assessors a like copy from their registry of the names of all persons registered in the town or city on or before the last day of December in the year next preceding: and such assessors of taxes shall, on or before the first Monday in September in the year 1843, and in each year thereafter, assess upon every person whose name shall have been registered, as aforesaid, his property tax; or, if he have no taxable property, or his taxes thereon do not amount to a dollar, then, as the case may be, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar. On or before the first Monday in October in the year 1843, and in each year thereafter, said assessors shall return to the clerk's office of the town or city said copy of the registry by them duly certified, with the tax or taxes assessed against each person placed against his name thereon, distinguishing whether said tax is a property or registry tax; and if a property tax, whether said tax was assessed upon his property therein valued at least at 134 dollars; which copy so returned, it shall be the duty of the town or city clerk to record and file. The copy of the registry thus made out and returned shall contain the names of all the registered voters for the calendar year next succeeding. Every town or city clerk neglecting or refusing to deliver such certified copy to the assessors as aforesaid, or wilfully delivering a false or



imperfect copy, shall forfeit the sum of three hundred dollars ; and if any assessors of taxes shall wholly neglect or refuse to make such assessments, each and every such assessor so neglecting or refusing shall forfeit the sum of one thousand dollars, and be liable to imprisonment for one year ; and if any assessors shall wilfully neglect or refuse to assess as aforesaid any person registered as aforesaid, each and every assessor so neglecting or refusing shall forfeit the sum of one hundred dollars for each and every person whom he shall so neglect or refuse to assess as aforesaid.

SEC. 7. Every town or ward clerk, upon payment or tender of his legal fees, (which shall be the same for the ward clerks as for the town and city clerks,) shall furnish to any person demanding the same a certified copy of any list of votes given in at any election. Every town or city clerk shall, upon like payment or tender, furnish to any person demanding the same a certified copy of any registration of voters, with the names of those who have paid taxes to him, and the amount of such taxes, and whether the same were paid on or before the last day of December next preceding ; and shall also, upon the request of any person and tender of legal fees, and without unreasonable delay, examine the records and certify to the estate of any person or persons, and shall furnish copies of any instrument or writing which may be on record or on the files of his office. Every collector of taxes, or town or city treasurer, shall, upon like request and payment or tender, and without unreasonable delay, furnish to any elector a certified list of those who have paid to him State, town, and registry taxes, and the amounts and times of such payments ; and shall grant certificates setting forth whether a certain person or persons have or have not paid to him such taxes, and, if paid, to what amount, and at what time ; and every town, city, or ward clerk, collector of taxes, town or city treasurer, who shall refuse or unreasonably delay to furnish such lists or certificates, upon payment or tender as aforesaid, shall, for every such offence, forfeit not less than twenty-five, nor more than two hundred dollars.

SEC. 8. On or before the 25th day of February in the year 1843, every town and city treasurer and collector of taxes, and on or before the first Monday of February in every year thereafter, every town and city collector of taxes in this State, shall furnish to the town clerks of their respective towns and cities, duly certified alphabetical lists of all persons registered on or before the 30th day of December in the year 1842 ; and on or before the last day of December next preceding in every year thereafter, in their respective towns and cities, who shall on or before that time in the year 1842 have paid to such town or city treasurer their registry tax ; or in each year thereafter, to such collector of taxes, their taxes assessed for and within said year preceding, together with the amount of the payment by each, specifying whether the tax was a registry tax, or a tax on property, and, if a property tax, whether assessed on property valued at least at one hundred and thirty-four dollars. On or before the first Monday of March in the year 1843, and every year thereafter, every town clerk in this State shall furnish to the town councils of their respective towns, and the city clerk of the city of Providence shall furnish to the mayor and aldermen of said city, a duly certified alphabetical list of all persons registered on or before the 30th day of December in the year 1842, and on or before the last day of December next preceding in every year thereafter, for the purpose of voting in such town or city ; placing opposite the name of every

person so registered, the amount of his assessed property tax for the year preceding; and whether the same was assessed on property in the said town or city valued at least at one hundred and thirty four dollars, and of the registry tax, if any, by him paid, and whether said taxes were paid on or before the 30th day of December in the year 1842, and on or before the last day of December next preceding in every year thereafter; and, separately therefrom, correct alphabetical lists of the names of all persons entitled to vote under article second, section first, of the constitution: and every town and city clerk, and every town or city treasurer, who shall refuse or neglect to deliver such lists as aforesaid, within the time above limited, or who shall wilfully deliver false or imperfect lists, shall forfeit not less than five hundred, nor more than one thousand dollars, or be imprisoned not less than six months, either, or both, at the discretion of the court who shall try such offender.

SEC. 9. On or before the last day of February, in the year 1843, every town and city clerk in this State shall pay to the treasurer of such town or city all sums by him received as registry taxes as aforesaid: and any town or city clerk who shall neglect or refuse to make payment as aforesaid shall forfeit not less than one hundred, nor more than three thousand dollars, or be imprisoned not exceeding five years, or until he shall have paid over such money so by him received.

SEC. 10. The town councils of the several towns in this State, and the mayor and aldermen of the city of Providence, shall, on or before the second Monday of March in the year 1843, and in every year thereafter, make out correct alphabetical lists of all persons qualified to vote generally, to wit: of all persons entitled to vote under article second, section first, of the constitution; and all persons entitled to vote by registry and payment of registry and other taxes or military services in their several towns and the several wards of said city of Providence; and, separately from such lists, correct alphabetical lists of all persons entitled to vote upon any proposition to impose a tax or expend money in their respective towns, and upon such proposition: and in the election of the city council of the city of Providence, in the several wards of said city, to wit: of all persons entitled to vote under article second, section first, of the constitution; and all persons upon whose property in their several towns and in said city, valued at least at one hundred and thirty-four dollars, a tax or taxes have been assessed and paid, and within the year next preceding, and on or before the last day of December therein; and shall cause such lists to be posted up in four or more public places in their respective towns, and one in each ward of the said city, and one in the town or city clerk's office which last lists shall be open to the examination of any elector of the town or city at all reasonable hours; and any person who shall take down, destroy, or deface such list or lists so posted up, shall forfeit the sum of one hundred dollars, or may be imprisoned three months.

SEC. 11. On or before the third Monday of March in the year 1843, and in every year thereafter, the town councils of the several towns, and the mayor and aldermen of the city of Providence, shall be in session at some convenient place or places, for a reasonable time, in their respective towns and said city, for the purpose of correcting such lists; and the notice of the time or times and place or places of holding said sessions, shall be given by the town councils, and said mayor and aldermen, upon the lists posted up as aforesaid. The members of the town councils and town clerks of

the several towns, and the mayor and aldermen and city clerk of the city of Providence, shall be paid, by their respective towns and said city, one dollar each for every day's attendance in the discharge of their duties under this act; and said town and city clerks shall, in addition, be paid legal fees for their recording and making out the several lists and returns in this act required.

SEC. 12. At least ten days previous to the first Wednesday in April, said town councils and mayor and aldermen shall cause to be posted up, as aforesaid, lists of persons entitled to vote in their respective towns and said city, so by them corrected as aforesaid, and shall, on the Monday preceding the first Wednesday of April, hold a session for the purpose of further correcting said lists, which session shall be holden for at least two hours. Said board of canvassers shall also, at least two days previous to any election of Representatives to Congress, of electors of President and Vice President of the United States, or of town or city officers, hold a session for the purpose of further correcting the town and ward lists of voters; in which case, the lists need not be posted up as aforesaid, but notice of the time and place of such session shall be given for at least ten days previous thereto, by posting up notices thereof in four or more public places in every town, and one in each ward of the city of Providence, and one in the town or city clerk's office; or, instead of such notice, in one or more newspapers published in such town or city. The lists of voters, so corrected, shall be by said town councils, and mayor and aldermen, certified by their presiding officer, and on the same day delivered to the town clerks of their respective towns, and to the city clerk of the city of Providence, to be delivered by said town clerks to the moderators of the several town meetings of their respective towns as soon as chosen; and the city clerk of the city of Providence shall, from the list of voters so corrected, make out separate lists of the voters in each ward of said city, and send such lists by him certified to the clerks of the respective wards, before the time fixed for the opening of the ward meetings. Any wilful neglect to hold the sessions, to post up the lists, or to deliver the same, as hereinbefore required, on the part of any town council, or of said mayor and aldermen, or town or city clerk, shall be punished by a fine not exceeding five hundred dollars, to be forfeited by every member of the town council, and of said board of mayor and aldermen, and by every town or city clerk so wilfully neglecting his duty aforesaid.

SEC. 13. Said town councils and mayor and aldermen shall have power, at their said sessions, to examine under oath or affirmation any person present, and any other evidence offered, or that they deem necessary, respecting the right of any person to vote, and to decide upon the same; and any person refusing to answer, or giving a false answer upon such examination, shall forfeit a sum not less than twenty-five, nor more than three hundred dollars for such refusal, or for each false answer so given.

SEC. 14. The town councils and mayor and aldermen, in case they shall have entered on said lists the names of all persons returned to them by said town or city clerks, shall not be held answerable for any omissions in said lists, nor for refusing to place in their list the name of any person omitted in the lists to them delivered as aforesaid; unless at one of their said sessions they shall be furnished with sufficient evidence of such omission, and of the qualifications as a voter of the person omitted, and shall have been requested to insert his name on their list.



SEC. 15. The moderator or warden of any town or ward meeting shall receive the votes of all persons whose names are upon the lists of voters so to him delivered and certified as aforesaid, and he shall reject the votes of all persons claiming to vote whose names are not on said lists: *Provided, however,* That nothing herein contained shall be construed to impair the right of either house of the General Assembly to judge of the elections of its own members, or of the grand committee to count legal, and refuse to count illegal votes: *And provided further,* That any person duly registered on or before the 30th day of December, 1842, may vote during the year 1843 in any town or city in this State, being otherwise qualified by law, though not on said town or ward list, who, in addition to a certificate from the town or city clerk of the town or city in which he resides and offers to vote, that he has thus been registered, shall produce to the moderator or warden a certificate or certificates from a collector or collectors of taxes in this State that he has paid a tax or taxes assessed upon his estate in this State, within a year of the time of voting, to the amount of one dollar: *And provided further,* That if any voter whose name is upon any ward list in the city of Providence shall have removed to another ward after the making out of the ward list, or if the name of any voter shall have been placed upon the wrong ward list, every such voter shall be admitted to vote in the ward in which he resides, upon producing the certificate of the city or of a ward clerk that his name is upon another ward list, duly prepared for the election in which he claims to vote. The certificates mentioned in this section shall, with the votes, be returned by the several town and ward clerks to the officer or body by law provided to receive the votes; and if any town, city, or ward clerk shall refuse to give such certificate to one entitled to and demanding the same, he shall forfeit the sum of one hundred dollars for each and every offence, and, upon conviction, be ever after incapacitated from voting for any officer, civil or military.

SEC. 16. The present wardens and ward clerks of the city of Providence shall hold their offices until the second Wednesday of May next, and until others are elected and qualified to act in their places; and said officers shall hereafter be elected on the second Wednesday of May in each year, instead of the third Wednesday of April, as is now by law provided.

SEC. 17. If any person in any election shall fraudulently vote, not being qualified, or, having voted in one town or ward, shall vote in another town or ward, without having withdrawn the vote first given, he shall be fined one hundred dollars, and be imprisoned not exceeding twelve months; and no person, after conviction of such offence, shall ever after be permitted to exercise the privilege of voting for any civil or military officer.

SEC. 18. In the election of general officers, Representatives to Congress, and electors of President and Vice President of the United States, and (when the vote is taken by ballot) in the election of senators and representatives to the General Assembly, the town meetings of the several towns shall be kept open for such voting during the whole time of voting for the day. Town and ward meetings for the election of general officers, Representatives to Congress, and electors of President and Vice President of the United States, shall be open at 10 o'clock, a. m., on the day of election; and all town or ward meetings for such elections, in any town or city having five hundred electors or upward, shall be kept open at least until five o'clock, p. m., on said day; and in all towns having less than five hundred electors, shall be kept open at least until 3 o'clock p. m., on said day.

SEC. 19. Every moderator and warden hereafter elected shall, upon his election, and before he shall proceed to the execution of his duty, take the following oath or affirmation, to be administered to him by the town or ward clerk, or, in his absence, by some judge or justice of the peace, in open town or ward meeting: "You, ———, having been chosen moderator of this town meeting, or warden of ——— ward, in the city of ———, do solemnly swear (or affirm) that you will faithfully and impartially perform the duties of your said office, and that you will support the constitution and laws of this State and the constitution of the United States: so help you God;" or "this affirmation you make and give upon the peril of the penalty of perjury." And the town or ward clerk shall thereupon enter upon his record that the oath or affirmation was in due form administered and taken.

SEC. 20. If any moderator, warden, or person whose duty it is to receive votes, shall fraudulently receive any unlawful vote, or shall fraudulently reject the vote of any voter whose name is on the town or ward lists, he shall forfeit the sum of one hundred dollars for every offence; and, upon conviction, shall be ever afterwards disqualified from voting.

SEC. 21. If any person shall directly or indirectly give, or offer, or agree to give to any elector, or to any person for the benefit of any elector, any sum of money or other valuable consideration for the purpose of inducing such elector to give in his vote at any election in this State, or by way of reward for having voted; or if any person shall directly or indirectly accept or receive, or offer or agree to accept or receive, any sum of money or other valuable consideration, or any promise, obligation, or security for the payment or delivery of any sum of money, or other valuable consideration, as an inducement to give in his vote, such person so offending shall, upon conviction thereof, be fined the sum of five hundred dollars, or imprisoned not exceeding three months, or both, at the discretion of the court.

SEC. 22. If senators and representatives to the General Assembly, or if justices of the peace be voted for by ballot, the names of the candidates in any town or city voted for by any one elector, shall be written or printed on one ticket; and in all such cases where the voting is by ballot, and in the election of general officers, Representatives to Congress, and electors of President and Vice President of the United States, the christian and surname of the voter shall be written at length on the back of his vote.

SEC. 23. In all elections the votes shall be received by the moderator or warden, and by no other person; and the electors shall, one by one, in their own proper persons, deliver their votes to the moderator or warden, who shall forthwith publicly declare the name of the person voting, and shall cause his name to be checked on the town or ward lists. The town or ward clerks shall keep a fair register of the names of all persons voting for general officers, representatives to Congress, and electors of President and Vice President of the United States; and shall, before such votes are sealed up, carefully compare the votes with their lists so taken; and on the copy of the list which at each election is forwarded to the General Assembly, they shall certify the number of votes for each of the candidates. The original lists shall be kept in the town clerk's office.

SEC. 24. In the city of Providence the ward clerks shall keep a fair registry of all persons voting for senator, representatives, and justices of the peace, and shall deliver a copy thereof with the votes to the city clerk.

SEC. 25. Any town or ward clerk who shall neglect to keep the registry,



and any moderator, warden, or town or ward clerk, who shall neglect to seal up and direct the votes, or to send the same with the lists as hereinbefore or by the constitution provided; and any town or ward clerk who shall knowingly keep a false or imperfect registry, and every moderator or warden, town or ward clerk, who shall knowingly seal up, direct, and send a part only of the votes, or with false or imperfect lists, shall be fined not less than one hundred, nor more than three thousand dollars, or be imprisoned not more than three years, either or both, at the discretion of the court who shall try such offender.

SEC. 26. If any town or city clerk shall necessarily be absent from his office at any time within thirty days next preceding any meeting held for the election of any State or town officers, Representatives to Congress, or electors of President and Vice President of the United States, it shall be his duty, and he shall have full power to appoint a deputy clerk, whose duty it shall be to attend the office during such absence, and perform all the duties thereof; and if any town or city clerk shall refuse or wilfully neglect to appoint a deputy as aforesaid, he shall forfeit the sum of one hundred dollars.

SEC. 27. All business of the annual general election shall be done by the General Assembly in grand committee, and not in separate houses.

SEC. 28. If any town or city clerk shall neglect or refuse to furnish any member of the Senate or House of Representatives elect with a proper certificate of his election as soon as may be after his election, he shall be fined not less than fifty dollars, nor more than five hundred dollars, or be imprisoned not exceeding six months, either or both, at the discretion of the court trying such offender.

SEC. 29. If any person elected senator or representative shall, at any time between his election and the expiration of his term, refuse to serve, and shall declare the same to the town or city clerk of the town or city for which he is elected, or shall die, resign, or remove out of said town or city, the town or city clerk shall forthwith issue his warrant for an election to fill such vacancy, unless a special election for that purpose shall be ordered by the house in which the vacancy happens.

SEC. 30. Every officer chosen by the General Assembly, and every military commission officer, shall be commissioned by the governor, and before he enters on the duties of his office shall take an engagement before a senator, judge, justice of the peace, public notary, town or city clerk, to support the constitution and laws of this State, and the constitution of the United States, and faithfully to discharge the duties of his office; which shall be certified upon his commission by the person administering the engagement.

SEC. 31. All officers of annual appointment, who shall not be re-elected, or continued in office at the annual general election by the General Assembly, may continue to officiate for the space of twenty-four days after the first Tuesday of May, unless their successors are sooner qualified to act. All such officers who may be re-elected, may continue to officiate for the same length of time, without taking any new oath of office.

SEC. 32. Justices of the peace chosen by any town or city, shall be chosen at the time of electing town or city officers, and shall hold their offices for one year; and the town or city clerk shall forthwith make return of the justices so chosen to the governor: if not re-elected, they may continue to officiate for twenty-four days after the time of electing such officers in any



town or city; and if reelected, may continue to officiate for the same number of days without taking any new oath of office.

SEC. 33. In the city of Providence, the senator and representatives shall be chosen by ballot only; the number of justices of the peace to be elected shall be fixed by the city council, and the voting therefor shall be conducted in all respects as is hereinbefore and by law prescribed for voting for senators and representatives in said city.

SEC. 34. All persons entitled to vote shall be protected from arrest in civil cases on the days of election for the choice of State, city, or town officers, members of Congress, or electors of President and Vice President of the United States, and on the day preceding and the day following such election.

SEC. 35. All fines and forfeitures provided by this act shall be to and for the use of the State, and shall, together with all other punishments herein prescribed, be enforced by indictment in the supreme court: *Provided always*, That all complaints for the same shall be made within one year after such fines, forfeitures, and punishments have been incurred, and not afterwards.

SEC. 36. The secretary of state shall, at least ten days previous to the day of election of general officers, members of Congress, or electors of President and Vice President of the United States, furnish each town and ward clerk with printed forms of returns, certificates, and directions proper to such elections, together with any advice he may deem necessary to secure proper returns.

SEC. 37. The following acts are hereby repealed: "An act in relation to the election of general officers," passed at May session, A. D. 1834; "An act revising the act entitled 'An act regulating the manner of admitting free-men, and directing the method of electing officers in this State,' passed at January session, A. D. 1836; and the several acts in addition to, or in amendment thereof;" and all other acts so far as is inconsistent herewith: *Provided*, That this repeal shall not be construed to revive any act, or part of an act, repealed by any of the acts mentioned in this section.

True copy—witness:

HENRY BOWEN, *Secretary*.

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No. 239.

*Speech of Thomas W. Dorr, on the right of the people of Rhode Island to form a constitution: delivered in the people's convention on the 18th day of November, 1841.*

Article XIV, "of the adoption of the constitution," being before the convention for consideration, Mr. Ballou, of Cumberland, said he would ask the gentleman from Providence whether it was understood that a majority of the present qualified freeholders was deemed requisite for the adoption of the people's constitution. He expressed no such opinion for himself; but the question might be asked by others, and arose very naturally from a perusal of section first, which prescribes the mode of voting upon the question of adoption or rejection. This section provides that every person voting shall answer upon his ticket whether he be a freeholder or not.

Mr. Davis said, in reply: I respond very cheerfully. Mr. President, is the subject of our Third Free Conference—and—can I assume there is any difference of opinion between us as to the subject which is to be considered, but because the question which he has suggested is one which may be asked elsewhere, and the present is the proper season for expressing the views which are entertained respecting the sovereignty of the people in Rhode Island. What are the people? and what have they a right to do? are vital questions in the great emergency which now engages us deeply the attention and interests of the community and State as well as the nation. So far as the interests of this association are concerned, all its proceedings, from that which is now before a most distinguished and generous assembly to the question proposed. We have our laws, not as delegates from the freeholding portion of our Rhode citizens, or from those who were, or perhaps, at least have who hold, no use of principle in party politics, State of interests, or the selection processes of an opposite character. but we have been sent by the people at large to do for them, in a representative capacity, what they believe themselves empowered and entitled to do themselves. They have sent us here to deliberate upon such constitutional provisions as may be deemed most suitable for the welfare of the State—and because they send us here, we are not only representatives, and have the right to adopt a constitution for them "more wisely" such as they may deem right and just, because it is their interest and the benefit of our Government, and if we believe the proposition of extension to be so well adapted, and a reinforcement so manifestly needed, as to secure in the last resort the greatest number of suffrages from those to whom it is to be submitted. But the people entrusted us largely as to their ultimate right of decision upon the result of our laws, and of determining for themselves, in their own sovereign capacity, what kind of a government they will choose to have under, and whether the present system of electing and appointing shall longer continue, they would not have sent us here. And it would be to the interest to present to them for their adoption a series of fundamental laws, which they can only prefer and approve, without the greater right is asserted and truly, in the future government of the State. By accepting our present proposition, we have afforded a field to the right of the people to act for themselves in the behalf and in our own right, and for them is a delegated capacity. We ask for no authority from the legislature to empower the people to introduce a constitution, or to vote for or against the design of this convention. We need not go back to higher authorities for our proceedings, that this which is derived from the sovereign power of the State. Here, then, is a demand—strictly new—of our opinion respecting the right of the people; and as it corresponds with the principles of what is designated the American system of government, it would not be regarded as a correct opinion, could it be successfully impeached by our adversaries. Have they offered any reason why our proceedings might be regarded as illegal or illegal, or unconstitutional? If they have, it has not been my business to ascertain what these reasons are, or to learn anything connected with the value of an argument against the right of the people at large in this State to form a government for themselves.

I have heard much denunciations of the non-freeholders—much of the opposition which we might expect from men who inherit the spirit and animosity of the Tories of the Revolution, and who are represented only in name, and then the accident of being born in the territory of a republic.

but I have heard no arguments addressed to the good sense of private men, and reading to influence their conduct as individuals to the important subject: and certainly I could not say to those who possess the public papers, that those arguments have not been there exhibited; but that, on the contrary, the course has been adopted of argument and reasoning as parts to some of the present proprietors of our papers—a fact well deserving notice, which indicates, if not an abridging of the head and heart, in any the least, the consciousness of a bad cause, that cannot meet itself in the heat of fire and passionate discussion, but that prefer the calm lighting and judicious statement of Indian justice to an open contest, and we bring before the people. This absence of argument, and the abandonment of great controversial arguments, is only to those who resort to them, in the place of direct appeals to the understanding of the people, a remarkable error, we remember that among our opponents are many men of distinguished talents, familiar accustomed to express themselves on all subjects, and maintaining the greatest facility toward the cause of reform and social justice. And yet, who has heard from any member of the legal profession, of whatever age or standing, anything that is argument to show that the people of this State have a right to proceed as they are now doing, and that their constitution, when adopted, will be unconstitutionality? If any person has been that familiar with such an act of condemnation, he has been more fortunate than I have. Some time since I proposed the question to one of the leading members of the bar of this city.—What constitution, or what valid objection can there be to the course that has been taken by the people in a State where there is no mode of appealing to themselves, guided out, or prescribed by any constitution, law, or usage whatsoever? His reply was, after some hesitation for reflection, that he did not know that any such objection could be framed; he had framed none himself. Another gentleman of the same standing as profession, and still more distinguished in his approach to self-reliance, recently concluded all discussion on these questions by asserting that he never dreamed about the suffrage! We have, then, the strongest presumption that our opponents have failed to address themselves to the reasonable faculties of their hearers and readers, because they have no rational arguments to offer. They say nothing because they have nothing to say. They loudly assert the character of the soil breachers, because they must do this or be silent. They insist, because they are silent. In the spirit of revenge in their State, they smother the out of the "New York nation," and of the national forces, because they have more confidence in every American, than in their own strength or cause—because they stand in dread of a just measure of reform, and, above all, of the continued movement of the reformers, the mechanics, and workmen of this State, who will not have to their empty promises, any more than they will be deceived by their party threats. One aspect, on the other hand, is not to the satisfaction, but to the belief, too. We breathe there the grand aspect of the paper. We read or feel by their feeling. We draw out at least of willing paper, and we may be such perfectly conscious as that we must be good if we have a will. We are advancing calmly, directly and without any demonstration, to the attainment of our great object—a legitimate State constitution. If this movement be approved by a majority of the whole people, our end is established. If it be not approved, we shall pass forward with the rest of freedom in a good cause that is worthy of success.



until such a majority shall hear and favorably respond to our appeals to their sense of justice.

Here, Mr. President, we might stop. The people are not on trial. The burden of proof does not rest upon them. They are not called upon to show cause to an arrogant minority why they have a right to go on and amend their form of government, but it is for their opponents to show why they have not. Until they have done this, our cause stands unimpugned. But, lest the outcry of illegality and want of form in our proceedings, or any other merely technical objection, should be repeated and reiterated for the sake of an impression on any whose fears are supposed to be stronger than their judgments, let us cross over to the other side, inspect the enemy's works and lines of defence, and see, if we may, what is the strength of the protection which they throw around our decayed and anti-republican system of government. A brief examination is all that your time will permit; and I will endeavor not to exceed the limits of your patience. *What*, then, is our system of government, and *who* have a right to change it?

Our government is now nominally republican; but it is in reality an oligarchy, or government of the few, through the gradual operation of an exclusive landed system of qualifications for voters. I need not do more than remind you that the origin of this government was purely democratic. Our ancestors, the first settlers of Providence, two hundred and six years ago, incorporated themselves, by natural and equal suffrage, into a primitive democracy, or government of the whole people, by the "major consent," but only in "civil things." Other settlements were made on the island of Rhode Island, and at Warwick; and it soon became an important object to define territorial boundaries, and to secure a permanent union of all portions of the territory under one domain.

The several settlements that we have named became first united, and were first brought within one jurisdiction, by the royal patent or charter of 1643. This charter is very short, and is very loose in its terms. It embraces a general power to establish such a government as should be agreed on by the "voluntary consent of *all*." In obtaining this consent, there was much difficulty; and it was not till the year 1647 that a general government was agreed upon and established. In that year was the first General Assembly convened in the town of Portsmouth. The government thus established was dissolved in 1651, by another charter, obtained by Coddington, constituting him governor, and which severed the islands of Rhode Island and Conanicut from their connexion with Providence and Warwick. Though Coddington's charter was soon vacated, a reunion was not immediately effected, and did not finally and permanently take place till the year 1663, under the charter of Charles II, which still subsists as a part of the nominal constitution of this State. But, notwithstanding the disruption of the colony, the same principles which were established at the outset, were maintained throughout all the changes of the government. The first assembly, in 1647, re-affirmed the declaration made at Providence in 1636, and voted that the government should be a "democracy," but only in civil matters, and without interference in religious concerns, which were left, for the first time in the history of the world, where they belonged—in the domain of the private judgment and conscience of every inhabitant. This principle of government by the major part of a pure democracy at first, and secondarily, for greater convenience, by representatives freely chosen for a short period, runs like a golden

thread through all the institutions of our State. The charter of Charles II continued to the colonists the same power of local government ; and under it (through a series of encroachments on political rights commenced in 1724 by the establishment, for the first time, of a definite landed suffrage) down to the Revolution, a majority of the people ruled the State. The Revolution was not needed to establish here the foundations of a democracy. They existed already, though the seeds of decay had been long before planted.

We have, therefore, the important fact at the foundation of all our reasonings, that this government was originally a government of the whole people ; was intended to be such by those who formed it, and procured its sanction from the mother country ; and was such nominally, at least, until the happening of the event which severed the connexion with that country, and led to the independence of the United States. If, therefore, in the further lapse of time, this democratic republic, here set up by our ancestors, has become impaired, and the people have in any way lost the power of governing it, or rather themselves, as it was always intended that they should, and they have in any way lost the right to remedy the defect, and to correct the departure from first principles,—it is very certain that the American Revolution, however valuable in its consequences in other respects, has in this particular placed them in a worse condition than they were before. Previously to the occurrence of this event, in case of a usurpation of their rights, the people had an appeal to the King for a redress of grievances ; and now that the power of the King has ceased, if the people have not succeeded to the right to redress their own grievances, they have exchanged one sovereign for a multitude, and are still, under a change of names, the *subjects* of new masters, rather than the citizens of a free republic.

We come, then, in the next place, to ask how the people of this State could have lost at the Revolution the power of governing themselves. Have we been laboring under a mistake upon a point of such vital importance ? Was it not the object of that Revolution to emancipate the people of the colonies from all foreign control, and to transfer to them the full and undivided right of self government ? If so, then the only question remaining is, To whom did this residuary power, before vested in the King of England—this right of ultimate sovereignty—pass at the Revolution ? It did not pass to the colonies, in a national sense ; or to the provisional government of the colonies, which were independent of each other, and united only by the bond of amity which is created by treaty or league between independent nations ; and our State governments are not the creatures of the General Government, but the reverse ; for the latter is the work of the States, or of the people of the States. The right of sovereignty must, therefore, have passed at the Revolution to the people of the colony of Rhode Island, or to a part of the people—to the *many*, or to the *few*. There is no third supposition in the case. If the ultimate sovereignty of this State, which involves the power to make and ordain forms of governments, passed over to any particular portion of the people less than the whole, there must have been at the time some disclaimer on the part of the residue of the people—some express surrender—some act of conveyance and investment, which constituted a grant in full of all the rights of sovereignty of the existing generation of men ; and we should then have to ask, what right has one generation to bind another in this manner ; and what rights of government can one generation barter or give away, which their successors have not



the same right to reassume? But no such disclaimer or surrender, or conveyance or investment, ever took place. If it did, the evidence of it can be produced; and our opponents are bound to produce it. They cannot infer it from the continuance of the old government in this State; for this does not necessarily disprove the existence of a sovereign power in the people, but only shows that it was not exercised. We are now speaking of the power itself; and it would be just as reasonable to say that the people had at the Revolution and now have no such power, as it would have been to have said, before the Revolution, that the King of England had no power to amend the charter, because he suffered it to continue unchanged and unamended from 1663, when it was granted, to 1776. We ask then, again, with confidence, to whom did this sovereign power pass? And the reply must be—to the people, to the whole people, and not to any special or favored portion of the people.

Sovereignty implies a corresponding duty of allegiance and fealty on the part of the subject. This must exist under every government. The people of this colony were the subjects of the King of England. All their political powers derived their sanction from his charter. Their democracy was such by the King's permission. In a self substituting democratic republic, where the people at large are sovereign, the oath of allegiance to the people is the oath to support their will as expressed in a constitution. Now, every subject in this colony, before the Revolution, sustained the relation which we have described to the grantor of the charter, who was the sovereign of the British realm. It matters not whether he was the absolute sovereign, or divided this sovereignty with the Parliament. The colonists were the subjects of a foreign sovereignty in the aggregate, however divided or invested; though the sole power of granting political charters belonged to the King. The colonists were all equally his subjects. There were but two classes of persons—the King on one side, and his subjects on the other. There was no graduation, as the theory of our opponents requires. The freeholders of the colony were not the sole subjects of the King, and those who owned no land the subjects of the freeholders; but they were all equal before the head of the realm, and owed him a common allegiance. We say, then, that those who were equal before the sovereign, were equal to each other after he ceased to be such; and that when the American States severed the political tie which bound them to Great Britain, all obligation to acknowledge fealty or allegiance to the monarch, or obedience to any form of government which he had established, was instantaneously dissolved; and the people, all who were before subjects, became, in each State, free and sovereign. The whole people of each State, upon the happening of that momentous event, became equally tenants in common of the right of sovereignty; and all equally entitled to a voice in directing what should be established as the fundamental rules of government, or, in other words, what should be the constitution. The sovereignty of the King of England passed, therefore, not to the governor and company of Rhode Island, but to the people, who, freeholders and non-freeholders, fought the battles of the Revolution, and to their descendants, who now stand in their places and claim their rights. These positions are neither new nor indefensible. It has been judicially, and by one of the earliest appointed judges of the Supreme Court of the United States, declared, that “the constitution is the work of the people themselves, in their *original, sovereign, and unlimited* capacity.” The same learned



judge, (Mr. Justice Patterson, in the case of *Van Horne vs. Dorrance*, 2d Dallas's Reports, 304,) on the same occasion, described what was then understood in this country by a constitution, and what we understand to be a constitution now. "A constitution," he says, "is the form of government delineated by the mighty hand of the people, in which certain first principles or fundamental laws are established." "It is," he adds, "certain and fixed;" it contains "the permanent will of the people," being "the supreme law of the land," being "paramount to the will of the legislature," and liable only "to be revoked or altered by those who made it." Who, then, can reasonably doubt that the people retain their inherent right ("in their original, sovereign, and unlimited capacity,") to establish a constitution, inasmuch as they never have made a surrender of it, either directly or indirectly? Whenever, therefore, the people shall see fit (as we believe they now do) to organize a government under a constitution of their own making, we cannot doubt but that every good citizen will cheerfully submit to it.

What kind of a sovereignty, Mr. President, is that which resides not in the men of a State, but in some qualification of property, accidental and fugitive in its nature? This single view, as it seems to me, reduces to an absurdity the doctrine maintained by our opponents, viz: that the sovereign power resides in the freeholding portion of a community. Sovereignty, in its very nature, is a personal attribute, whether the sovereign be a king, or one of the citizens of a republic. It does not depend on the texture of his garments, or the amount of his patrimony or acquisitions. Whether he be dressed in purple and fine linen, or in the coarser fabrics of the domestic loom, he is a sovereign still. But the sovereignty recognised by the freeholders' party in this State is not vested in men, and is not a fixed and determined power, but is constantly shifting with the changes of property. A man is a sovereign to-day—that is to say, is a tenant in common of the sovereign power of the State—because he is possessed of an estate in land of the value of \$134. He is a subject to-morrow, because he has parted with that estate, or it has been taken from him by operation of law. He is the same man that he was before; but the virtue has departed from him, and subsided into the soil. The sovereignty of the State, therefore, is not vested in the men, but in the earth which they tread upon; and if the State should become depopulated, it would retain—that is, the soil would retain—as much sovereignty without men as with them; and it follows, that the settlers of a new country, instead of carrying with them the right of domain acquired by purchase or conquest, derive all their powers from the land they cultivate, by some mysterious process which has escaped the scrutiny of modern science. And, further still: if a few individuals should succeed in appropriating to themselves, by gift or purchase, the greater portion of the territory, the sovereignty would become condensed in their persons, and they would be the sole depositories of political power. Thus in this State, if the lands had been parcelled out, under a proprietary government, among half a dozen great owners, so that this small number were now, as in England and other countries, the sole fee tenants of the entire soil, they would be the rightful sovereigns of the State, entitled to regulate its government, and not merely to be consulted about, but to dictate its fundamental laws, and to hold more than a hundred thousand inhabitants in subjection complete and humble, and by an authority as absolute and irresponsible as that exercised by the Czar of Russia or the Sultan of the Turks. Is this the democracy, the republicanism, the justice and equity of the

freeholders of Rhode Island? If their doctrine be true, this is its legitimate consequence; and it leaves them to make a choice between their principles and their common sense, since both cannot consist together.

But, Mr. President, not only are the whole people of this State the co-tenants of the sovereign power, but the opposite pretence of the freeholders has been forever precluded and barred by their own solemn acts on two occasions, ever to be remembered and honored in our history. In the first place, the representatives of the freeholders in General Assembly convened, ratified and adopted the principles of the declaration of American independence, and made them forever the principles of our political system. This declaration does not say that all freeholders, but that "all men are created equal." It asserts that liberty is one of their unalienable rights—not merely liberty of one kind, to walk on the face of the earth without a permit from the ruling powers, but the liberty to take part in political affairs, and to unite in wielding the sovereignty of the State. This declaration also says that governments derive "their just powers from the consent of the governed"—not of that portion of the governed who own land, but of all the governed, including the non freeholders, who have learned, to their cost, in this State, that the government reaches even them, to assess their property and to command their services. And, once more, it says that "it is the right of the people," the right of the governed, "to alter or abolish" their government, whenever they deem it expedient, and "to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." Such are the doctrines of American liberty. They are doubly the doctrines of this State, by transmission from its illustrious founder, and by the solemn adoption and ratification of its freeholding government in those days which tried the souls of men, and placed upon all their declarations the stamp of sincerity and truth.

In the convention of 1790, which adopted the constitution of the United States, the freeholders once more set their seal to the right of sovereignty vested in the whole people of the State, by a declaration which, for ability, precision, and sound republican principles, is entitled to an eminent rank among the state papers of which this country is so justly proud, and confers an imperishable honor upon its authors. I do not wonder that such a document has been so long kept out of sight. If it be true, it kills the cause of our opponents, and they feel that it does. Previously to the delivery of the semi-centennial discourse on the adoption of the federal constitution, at Newport, in 1840, by Judge Staples, there were not ten men in the State, besides himself and the secretary of state, who knew or remembered that such a document existed. We have again drawn it forth to surprise and gratify all the friends of equal rights, and to the shame and mortification of all freeholding aristocrats, rich or poor, who persist in denying to the great majority their just rights.

I wish, sir, that time would permit me to read the whole of this document, and I shall move it to be printed and circulated throughout the State. We are ready to rest our cause upon it before the people. It begins with proclaiming (section 1) "that there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety." 2. "That all power is naturally vest-

ed in, and consequently derived from, the people." And, consequently, 3. "that the power of government may be reassumed by the people, whenever it shall become necessary to their happiness," of which they are the judges. Here we have the most explicit avowal of the popular sovereignty for which I am contending, made with the most cautious deliberation, and in a day of peace and tranquility, and not, as some of our opponents allege concerning the declaration of independence, at a period of great excitement, and abounding with the "flourishes of rhetorical declamation." Our fathers of 1790 say that by the people they mean their posterity, their successors under the social compact; and lest there should be any remaining doubt of their opinion concerning popular rights, they go on to add, that "all men having sufficient evidence of permanent common interest with, and attachment to the community, ought to have the right of suffrage." If this convention intended to confine the right of altering and amending government to a small minority of their freeholding "posterity," they have been most unsuccessful in the use of language; and if not guilty of treason to the people, they have murdered "the King's English;" they have contradicted themselves, and the truth is not in them. But if they have uttered the words of truth and soberness, then their words become as the handwriting on the wall, and are a sentence of death and dissolution to the corrupt and tottering political institutions of this State.

But, it is said, if the people became tenants in common of the sovereignty at the Revolution, and were entitled not only to fight the battles of the country, and to achieve its independence, but also to assist in forming a government, why did they not then exercise their right? The people of the several colonies, then become States, were called upon by Congress to organize governments and to form constitutions suitable to the great change in their affairs and condition which had taken place. Nearly all the States complied with the recommendation of Congress. In this State, the General Assembly appointed a committee to consider what proceedings were necessary to be had; but they never reported. Our government still preserved the features of its origin in the democracy of Roger Williams. The landed suffrage in a State mainly agricultural, was not then the instrument of political proscription and exclusion which it has since become. Land was abundant and cheap. The great majority voted. The vote given in 1790 was as large within 2,600 as the vote at the presidential election of 1840, when the population of the State had doubled. And more than all, the citizens of Rhode Island were involved in all the severities of a war brought home to their own territory. More men were raised here for the defence of the State and for the general service, in proportion to our numbers, than in any other State. These are reasons why the people of Rhode Island were diverted from the formation of a constitution at the outset of the independent government. Near the close of the last century another movement was made towards the same object, of which I have no particulars. In 1811 a bill to extend suffrage passed the Senate, and was laid on the table and lost in the House of Representatives. About the year 1820 the formation of a new estimate of the ratable property of the State furnished an occasion to discuss existing political grievances. At a convention of this county in that year, the inequality of representation, when compared with taxation, was a subject of strong animadversion. The limitation of suffrage was, I believe, also introduced. The late Hon. James Burrill took a leading part in the proceedings, but no decided action followed.



Next we have the attempt in 1824 to extend suffrage; the active movement in 1832 for equal rights; the three years' struggle of the constitutional party, commencing in 1834; and a series of protests, from that day to the present, against the longer continuance of a system of oppression, growing out of the gradual working of our landed system as population increases, which is without a parallel in the free States of this country. Does any one pretend, in the view of these facts, that the people have waived their rights to sovereignty? So far from having waived them if they could, they have maintained a series of protests from an early day. They have manifested their patience till it has ceased to be a virtue; and it was not till their memorials were trampled under foot, their rights and feelings were outraged with insulting hardihood, and the door was closed and bolted against any further remonstrance, that they resorted to their original sovereignty, as the only remaining and effectual means of redress. They cared not from whom a constitution should proceed, provided it were just and equitable. Had the freeholders made such a constitution in time past, they would have raised no voice against it. They would have given it an open or a tacit consent. They have now risen up in a sense of their rights and duties, and are proceeding to take all proper care of themselves and of their opponents.

While, therefore, it is a great mistake to imagine that any prescription has grown up in favor of the present order of things—and, in fact, the people have ever kept in view their rights, and have on various occasions asserted their claim to political justice—let it ever be borne in mind, that if no claim on their part had ever been interposed to this day, and they had remained silent as well as patient, yet no continuance of usage or prescription, however long, can impair or take away the right of sovereignty from the people, or prevent them from acting, however late, with the same good and valid effect. From the ancient maxim, "Time does not run against the king," erase the word "king," and insert "people," and you have one of the great and everlasting truths of our political system. No delay or acquiescence on the part of the people can ever make it right to govern wrong, or to deprive them of their inherent capacity to establish the right and to correct the wrong. No abuses of government, however hoary and venerable, are beyond the reach of the arm of the people, which, like the arm of civil justice, moves slowly, without display, or effort, or threats, but firmly and surely to its purpose. The people of this State, we may say without extravagance, have inherited from the old monarchy the power to cure the "king's evil," and all other evils of the body politic which have survived the Revolution.

There is nothing in what I have advanced that is inconsistent with the valid existence of a government in this State, or which can be construed to deny its operation or efficacy during the term of its continuance. What I say is, not that we have no government in Rhode Island, for we live under a government of laws; but that the people have a right to change it. Until they do change it, it subsists. Especial care has been taken in the framing of this constitution—especially in article XIV., now under consideration—to guard against the occurrence of anarchy. The present government is preserved till its substitute is fully set in operation. All officers maintain their places till their successors are elected. All laws, public and private, not inconsistent with the constitution, remain in full force, subject to the ordinary action of the legislative body. The transition to the new

order of things in legislative matters is gradual, and without confusion or violence. No man's rights of person, property, or character, will be impaired or invaded. This state of the case ought to be kept in mind, because our opponents have very adroitly confounded two ideas relating to this subject, which are totally distinct. They deny a right in the people to change the government, *because* it has a valid existence. We admit the facts of its existence and validity while it lasts, and deny their conclusion, because it does not follow legitimately from the premises. The right to change the government stands by itself. The existence of the present government is not inconsistent with it; nor is the right to change inconsistent with the functions of the present government. If the majority of the people are not now prepared to change it, it will stand as before, by their consent, until they *are* prepared to change it. Both statements are equally erroneous and false—either that the present government is beyond the reach of the people, because it has stood so long; or that the ultimate right to change, which exists in the people, has been lost, because they have delayed so long to exert it. Nor is there anything in our proceedings which tends in the least degree to disorder or confusion. It would be a monstrous perversion of logic to deduce, from the patience and long suffering of the people under their manifold grievances, the unwarrantable conclusion that their power has been subverted and lost by non use; and the argument, if it proved anything, would be good for much more, and would prove that every species of tyranny and oppression, and every form of absolute and despotic government which has existed for a length of time in any part of the world, is fixed and permanent; that the rights of the people have been submerged and lost; and that the only hope of melioration is through the “especial grace, certain knowledge, and mere motion” of the reigning tyrant, or the established aristocracy, personal or landed. At such a doctrine as this, every republican revolts with feelings of detestation. It is a doctrine which allies its authors and abettors not only with the Tories of the Revolution, but with the slavish advocates of the “divine right of kings,” and of the other exploded heresies of which the world has grown ashamed.

We say, then, that the existing government of Rhode Island is a government by tacit consent; and that the right to consent, involves also the right to *dissent*; and that when the dissenters manifest a majority in favor of another government, provided only that it be *republican*, as the constitution of the United States requires, the old government will pass into the other, and its functions will cease.

How the action of the people shall commence, and in what way their sovereign power shall be manifested, are merely secondary questions. They may assemble in a mass, as our ancestors did for many years at Newport, before the population became numerous; they may elect delegates to meet in convention to propose a constitution; or, without the intervention of delegates, they may vote directly upon a constitution, be its form what it may. The mode of proceeding is a matter of expediency and convenience. The binding power is not in those who propose, but in those who adopt. And yet our opponents, in pursuance of their plan to defeat the present popular movement, are loud in denouncing the people's convention as not to be properly and legally called; that is, called by the General Assembly—as if the call were of the least importance. It sounds not a little strange, in a republican country, to hear it gravely advanced that the people cannot



exercise the great act of sovereignty in forming and reforming their government, without the permission of their servants, or rather the servants and representatives of a minority of freeholders in the General Assembly ! And yet the tories of the present day maintain this doctrine. It will answer their purpose very well in its application to the non freeholders ; but let me ask how they like its application to themselves ? If it be true, then the freeholders have no right to sit in convention, notwithstanding the exclusive sovereignty which they arrogate to themselves, until their representatives call them together. If the Assembly will condescend to do so, the freeholders are as completely powerless as they pretend that the non-freeholders are ; and it follows as a consequence, that, after all their boasting of their own importance, the sovereignty of the State is not in them, but in the eighty-three members of the General Assembly, and that the *legal* people (as they are called) are the mere creatures of their own servants. So far as sovereignty is concerned, therefore, the freeholders, by their own showing, are no better off than the non freeholders, and are interested with them in getting it back as soon as possible. The fiction of a *rightful* omnipotence and a virtual sovereignty in the General Assembly is borrowed from another country, by whose unwritten constitution the government is the ultimate power in the State. The sovereignty of England was originally in the king ; and to this day all laws are in form by the enactment of the king, with the consent of the lords spiritual and temporal, and of the commons, in parliament assembled. The king is to this day the sole fountain of honor, though not of power. But the king and parliament together are, by the theory of the British Government, the depositories of the sovereignty of the realm ; and no question of change or reform is ever submitted to the people. Will any man in his senses contend for such a power in our General Assembly ? Are our governor and senate, like the king and house of lords in England, permanent and hereditary branches of the government ? Is our governor the fountain of all honor ; and does he enact all laws, with the assent of the senate and of the representatives ? If not, then our legislature is not omnipotent, in the sense in which that word applies to the parliament of England ; and it cannot be the depository of the sovereignty of the State. I know that our legislature is restrained by no paramount law or constitution, except that of the United States ; and that while the term of office of its members lasts, they can do pretty much as they please. They can change the representation ; they can alter the right of suffrage ; they can make and unmake the people. But their time of office expires at last ; and if they should attempt, by repealing the election law, to resolve themselves into a permanent body, even the freeholders would cry out against the assumption of power, and would begin to believe, after all, that a portion of the people, at least, had something to do with the functions of sovereignty.

We are told that the people's convention is an irregular and unauthorized body, because it was not *called* by the General Assembly ; and that the freeholders' convention is regular and lawful, because it *was* called. This absurdity will bear a moment's examination. When you come to look at the act of the Assembly for calling the freeholders' convention, you will be surprised, after hearing that such a solemn importance has been attributed to it, to find that it is a mere *request* to the towns to choose delegates, and is just as binding as the resolutions for thanksgiving, or any other recommendatory resolutions, and no more. The Assembly recommend to the



freeholders to choose delegates ; and if the delegates come, they shall be paid. This is the whole substance of the act ; and yet we are told with asinine gravity that this mere request, which no charter, law, or usage authorizes the Assembly to make, and which no one is bound to obey, gives life and power to the landholders, which they had not before ; makes their proceedings regular, and their constitution, if adopted, binding on the whole people.

I know, Mr. President, that in our State constitutions it is usual to provide in the article relative to amendments, that the convention to propose them shall be called by the legislature, (through instructions to the representatives,) to save the trouble and expense of electing special delegates to make the call. But this fact does not take away the force of what I have advanced, because we are not now speaking of what *might* and would be the call in this State under a constitution, but what is the case now. There is no mode whatever pointed out in this State for amending its government. The charter contains no clause of amendment ; because the power to amend resided in the king, who granted it by his "especial grace, certain knowledge and mere motion." Neither the people at large in this State, nor the freeholding people, have ever adopted a constitution ; and, of course, *they* have prescribed no mode of amendment. The Assembly have never passed any general law providing the mode of procedure to amend the government. They have only made requests from time to time, which have never been complied with, except by the convening of delegates to receive their pay. And further, there is no usage in this State which points out the mode of amendment. The clear conclusion therefore is, that the people of this State, whoever they are, have a right to proceed to amend their government, without a call, in just such manner and time as they may see fit ; and I have endeavored to show that the people are the citizens in general, the successors to the former sovereign of Rhode Island.

So far, therefore, from our proceedings being irregular or revolutionary, they are strictly in order, and in conformity with the will of the people, and could not be strengthened by any possible form of request from the present government. Where there is a mode of amendment prescribed by the constitution of a State, it ought to be followed. But suppose the constitution of a State—of Massachusetts, for instance—were silent on this one point, and prescribed no way to proceed. I ask, who would have the power to amend that constitution ? The electors named in it ? No ; for all the subjects upon which they can vote are specified in the instrument. The legislature ? No ; for this is not named among their powers. The only remaining alternative is, that the people at large, the source of all power, have the right to amend the government, as they originally had the right to make it.

I pass over, as unworthy of particular notice, the argument that the government of Rhode Island is in the hands of a *land company*, and subsists by vested right. The company do not pretend to hold any shares, or any assignable interest, or to make any dividend of profits. They exercise political powers ; and so do the people, to whom it matters not whether these powers of the land company are exercised by grant of the king, by act of parliament, by usage, or in any other manner. The people succeeded at the Revolution to the same right to call to account and to amend a political corporation as any other political body, or governing authority,

which requires for the public good to be subjected to the searching process of popular scrutiny.

Nor will I detain you with any remarks upon the clause of the constitution of the United States which guaranties to each State a republican form of government; because we propose no appeal to Congress for their aid in a question of State rights, which we believe the people are competent to settle in their own way, and upon their own ground. I will only say that if it be the object of that clause of the constitution to provide that no constitution, law, nor usage of any State, however agreeable to the majority, shall ever be suffered to compel the submission of a minority to a form of government in any respect anti republican, then, most assuredly, if the minority in every State be thus taken care of, any expression of the will of the majority in this State, not inconsistent with the definition of a republic, will be recognised without a moment's hesitation by the General Government.

Mr. President, I have endeavored to reply to the question of the gentleman from Cumberland. We have seen that our government was in its origin a democracy; and continued such, by the assent of the King of England, to the time of the Revolution; that the whole people succeeded to the sovereignty of the State; that, for the reasons given, they omitted to exercise it in the formation of a constitution; that our government has degenerated into a freeholding aristocracy; that safety and self-respect forbid a longer delay in the work of reform; and that the people are now proceeding, in an unobjectionable and appropriate mode, to adopt such measures as justice requires. And in so doing, they will relieve the freeholders from the absurd position in which a portion of them, at least, have placed themselves in attempting to resist the course of popular rights. They tell us that the people have no authority to make a constitution; that the legislature have no authority; and that the freeholders have no authority, because they cannot move an inch until authorized by the legislature! In this distressing difficulty, rather than that the sovereignty of the State should evaporate, and be entirely lost, the people have consented to step in, and to take the case into their own hands, and to do substantial justice to all the parties who are concerned.

The freeholders are a part of the people, though not the whole people; and we are happy to find the liberal portion of them going along with us in this good work. Our ticket is so formed, that every voter will respond to the question whether he be qualified under the existing laws or not. A majority of the freeholders is not necessary to our success; but it will be gratifying to find them on the right side. If the *people* give us a majority, we shall conclude the freeholders; if the freeholders do the same, they will conclude themselves. I trust that the result will be the adoption of a constitution that shall be worthy of our venerated ancestors, and transmit the blessings of their "ancient democracy," and of well-ordered and rational liberty, to their remotest descendants.

No. 240.

*Report of the trial of Thomas W. Dorr, Governor of the State of Rhode Island under the people's constitution, on the charge of treason.*

STATE OF RHODE ISLAND, &c. vs. THOMAS W. DORR—for treason.

*At Newport, R. I., April 26, 1844.*

For the State, Joseph M. Blake, esq., attorney general, assisted by Alfred Bosworth, esq., of Warren.

The defendant conducted his own case, in the absence of his principal counsel, Hon. Samuel Y. Atwell, from severe illness. Assistant counsel, George Turner, esq., of Newport, and Walter S. Burges, esq., of Providence.

To present a connected view of all proceedings from the commencement, we annex a short preliminary statement.

Mr. Dorr returned to the State on the 29th day of October last, and was immediately arrested and committed to prison on a charge of treason against the State, as charged against him in an indictment then pending in the county of Newport. On the 29th of January, 1844, Mr. Burges, of counsel for the defendant, at his request, gave a written notice to the attorney general that the defendant would claim a trial of his case at the ensuing session of the supreme court at Newport. Mr. Blake replied to Mr. Burges, that at the opening of the next term of the court in March, he should inform the court that he was ready to proceed in the trial of the indictment against Mr. Dorr, whenever the court might direct. Notice of Mr. Dorr's intention to plead to the jurisdiction of the court, at the session before the regular term, was sent to Mr. Blake, in writing, on the 26th of February.

Mr. Dorr was taken from the prison in Providence, by Deputy Sheriff Potter, (the same officer who committed him,) on the 29th of February last, and brought, the same day, before the court at Newport, which was then sitting, by adjournment from the preceding regular term in August, to dispose of the arrears of business. Mr. Dorr was forthwith arraigned; and being called upon to plead, interposed a plea to the jurisdiction of the court, on the grounds that the law of the State (a portion of the Algerine law, as it is commonly called) which authorizes the finding of an indictment out of the county in which the offence is charged to have been committed, is against common right, unconstitutional, and void; and that if the act be constitutional, it does not in terms take away the right of being *tried* in the county where the offence is charged to have been committed, and ought not to be stretched by implication. Mr. Dorr is a resident in the county of Providence, and nothing is alleged against him in the county of Newport. The attorney general demurred to this plea.

Mr. Dorr moved the court to assign the earliest day for the trial of the demurrer. They assigned Thursday of the next week, in the regular term.

On Tuesday, March 5th, at the first sitting of the court in the new term, Mr. Dorr was again brought into court; and being satisfied, as he said to the court, that the trials of the plea to the jurisdiction, and of the main issue by a jury, (in case the plea should be overruled,) could not both take place at the present term, in consequence of the distant day assigned by the court for a hearing on the plea; and being desirous not only of avoiding delay, but even



the appearance of delay, withdrew what he believed to be a substantial defence, (the plea to the jurisdiction of the court,) and pleaded *not guilty*, and claimed an immediate trial by jury as his right. The court, after consultation, announced that the 26th day of April following was the earliest that they could assign for the trial, and assigned it accordingly.

The defendant's counsel then moved the court, in their discretion, to transfer the indictment to Providence county, where the defendant and his witnesses resided, as the defendant was constitutionally entitled to "a speedy trial by an impartial jury," neither of which could be obtained here. The motion was supported by Messrs. Turner and Atwell, and opposed by Mr. Bosworth and the attorney general, and overruled by the court; who ordered sixty additional jurors to be summoned by the sheriff, for the 26th of April, and remanded the defendant to Newport jail.

NEWPORT, *Friday morning, April 26th.*

Present, the whole court, consisting of Job Durfee, chief justice, and Levi Hale, William R. Staples, and George A. Brayton, associates.

The defendant, Thomas W. Dorr, is brought into court, and persists in his former plea of *not guilty*.

Mr. Turner stated to the court that both the defendant and himself had to regret the absence of Hon. Samuel Y. Atwell, the principal counsel, who was detained at home by a severe, if not dangerous indisposition; but the defendant would not ask for delay on this account, as he would be entitled to ask.

Mr. Turner suggested to the court, that as there were a number of witnesses (some of them residing at a distance) who would be called to show the disqualification of several of the persons drawn and summoned for jurors, it was desirable that an adjournment should take place till to-morrow, that they might all be at hand when call for. But the court decided that it would be best to proceed immediately, as the jurors whom it was intended to challenge might be disqualified on their own answers; and, if not, they might stand by till the witnesses should be produced.

Mr. Turner moved the court that the witnesses of the defendant be summoned at the expense of the State—the defendant being unable, of his own means, to procure their attendance.

Mr. Dorr stated, in explanation of the remarks of his counsel, that he should be able to offer to his counsel a reasonable compensation, but he should not be able to meet the further expenses of the case, especially if he should be obliged to summon many witnesses.

The court replied, that it had not been usual to furnish the aid of the State, except in cases of entire destitution, where counsel was assigned by them to the prisoner; and denied the motion.

The attorney general then proposed to the court several questions to be put to jurors, as they should be severally examined touching their competency to sit in the case:

1st. Have you attended to the reading of the indictment of the State against Thomas W. Dorr, the prisoner at the bar?

2d. Have you formed or expressed the opinion that the said Thomas W. Dorr is guilty, or the opinion that he is not guilty, of the crime in said indictment?

3d. Did you vote for the said Thomas Wilson Dorr for governor, at the election on the 18th of April, 1842?

4th. Have you formed the opinion, or do you believe that said Thomas

W. Dorr was the governor of this State, or authorized to exercise the duties of governor, at any time between the 16th day of May, 1842, and the 28th of June, 1842?

5th. Are you a relation of the said Thomas W. Dorr?

6th. Are you a freeholder in the county of Newport?

Defendant objected to the 3d and 4th question as unreasonable and improper; and the question was argued at some length by Messrs. Turner and Dorr, and by the attorney general.

The attorney general contended, that if these questions were not put, jurors who had taken part with the prisoner, and approved his proceedings, would sit to try him. If they voted for him, or believed him to have been governor of the State, they had prejudged his case, and, of course, would hold him justifiable against the charges in the indictment. *If Mr. Dorr was governor, then he had a right to do all that he did*; and those persons who believed that he was, are certainly incompetent to try him.

Mr. Dorr said, that although, as had been remarked, this was a novel case, novel and unusual expedients ought not to be resorted to to procure a conviction. It was impossible to doubt the purport and tendency of these questions. They were aimed at all persons belonging to one of the political parties in the State—the party with which the defendant was connected. All such were to be excluded from the jury; and all of another description were to be admitted, without any such test as had been proposed. This would insure to him not the “impartial jury” guarantied to him, as of common right, but a partial jury of political opponents, and would work the most flagrant injustice. These questions were involved in the 2d question—or rather that question involved all that could be properly asked of the opinions of jurors. If the reply was, that the juror had neither formed nor expressed an opinion concerning the guilt or innocence of the prisoner, he had qualified himself; and it was improper to go behind the oath he had taken, to extort from him other answers, when the first covered the whole ground upon which it was competent to examine him. To go further than this, was to invade the right of the juror himself; to question his veracity, and virtually to charge him with perjury. If he had told the truth in his answer, he was competent. And how far could an investigation of this kind be carried? Where was it to stop? A great variety of opinions upon the political questions involved in this case had been entertained, and different opinions by the same individuals at different times. Some were still for the old charter; some for one constitution, some for another; some had voted for the defendant, and believed he was duly elected and qualified as governor, who afterwards went over to the opposite party, and contradicted their former assertions and acts. If these questions were to be put, then many others might be asked with the same propriety; the oath of the jurymen to his impartiality would be nugatory, and an inquisitorial process would be devised, such as had never been heard of in a court of justice. If the juror answer that he voted for defendant as governor, and considered him to be governor between the times named, then it would be necessary to ask him if he still remained of the same opinion, and, if not, when and how he changed his mind. There is no end to this sort of inquisition. Then, again, look on the other side of the question. If a person who says he believed the defendant to be governor be unfit to be a juror because of partiality, how much more fit and less partial is he who says he believes the defendant not to have been governor, and has thereby closed his mind against all the evi-

dence of justification that the defendant may offer. The difficulty is in the case itself. It is a political question; and all persons have conversed about it and canvassed it, more or less. If a fair trial be intended, the jury must not be selected from the political opponents of the defendant. He cannot ask the prosecutor to put an entire list of defendant's political friends in the box; and he has a right to protest against the exclusive selection of his political enemies; a jury at large, without selection, will be the nearest approach to fairness. A fair trial is inconsistent with such a procedure as that suggested, and with any other tending to the same result. No man can mistake the political meaning of the questions which it is now proposed to ask.

The court, after deliberation, were equally divided upon the motion of the attorney general, and the questions were overruled. Chief Justice Durfee, and it is believed Judge Haile, were in favor of putting the questions; and Judges Brayton and Staples in the negative. The chief justice observed that he was clearly of opinion that they ought to be asked.

The jurors (seventy six in number) were then called, and all answered to their names except four—one of whom was before excused, and three were fined for non-attendance. The indictment was then read again.

In consequence of the great length of the testimony in the case, we shall not go minutely into all the particulars of empannelling the jury, but shall state only those incidents which were most important.

The regular drawn jury for the term consisted of sixteen. Sixty in addition were selected and summoned upon a *venire* by the sheriff, previous to the commencement of the term. Forty-eight more (twelve in each *venire*) were afterward summoned by the sheriff, by order of the court. One other person was excused on account of indisposition. Deducting the five absent or excused, there remained 119, from whom the choice of a jury was to be made.

The defendant was entitled to twenty peremptory challenges, and made use of the full privilege in this respect allowed him by law.

Of the ninety-nine remaining, eighty-three were set aside by the court, in consequence of their answers that they had formed and expressed an opinion of the guilt or innocence of the prisoner, or upon proof by witnesses to the same effect. Only one person was set aside on proof by a witness for the government, that he had formed and expressed an opinion. Several were set aside on proof produced by the defendant. Four persons summoned were not reached on the list, the jury being complete.

As the offence charged is political, and a great political question was involved in the issue, it is proper to state that the jury were all of one political party, and all opposed to the political sentiments of the prisoner and those of the party with which he is connected.

Of the drawn jurors, (sixteen in number,) two are connected with the democratic party. One of these (Abner Tallman) replied to the question of the prosecutor, that he had formed and expressed no opinion; but was taken off on the production, by the prosecutor, of a witness who deposed to the contrary. The other, John H. Cornell, answered that he had formed and expressed an opinion; and he was set aside, as was also, for the same cause, Fobes Manchester, the only person among the 108 summoned jurors, who is connected with the democratic party.

On Friday morning, the 26th, after the empannelling of the jury had



commenced, Mr. Dorr, upon the question of the competency of Philip Sherman, suggested to the court that the second question put to jurors, in its present shape, might admit to the jury persons who had fully made up their minds upon the general subject. The question now is, whether the juror has formed or expressed an opinion upon the guilt or innocence of the prisoner as *charged in the indictment*. He may have made up his mind that he is guilty, and may yet be in doubt about a particular day, or the precise "manner and form," and thus pass into the jury box. If the question were general, according to the usual practice, "have you formed an opinion as to the guilt?" &c., the juror might reply that his opinion was formed and expressed, though he was not certain as to time, and manner, and form.

The suggestion was not considered by the court; and the question was put as before.

*Abner Tallman* was called as a juror in the forenoon of the 26th; and answered that he had not formed nor expressed an opinion, and was otherwise qualified. The attorney general requested that he might stand aside for the present, that he might send for witnesses as to Mr. Tallman's having expressed an opinion, although he could not say what he should be able to prove by them. The court granted the request.

The next morning *Peleg T. Wait* was produced, who swore that he had had a conversation at his shop with Tallman, in which T. said that he would not pay for a sheep that had been killed "as long as he had a drop of blood in his veins." Tallman also said, that, if he were on a jury to try Governor Dorr, he would never find a verdict against him "until all was blue." Witness could not recollect which of the expressions used by Tallman applied to the sheep, and which to the sitting on the jury. Witness said that he had never mentioned the conversation with Wait to anybody; and that when he was asked on the subject, he knew nothing about it, but would remember it in an hour or two. Mr. Tallman was again examined, and related the particulars of his conversation with Mr. Wait. Mr. T. said that he had had no conversation with Wait on the subject of sitting on the jury, and that the expressions used by him related to a sheep said to have been worried by a dog of his, but untrue, and for which he would not pay till "all was blue." The court said that it was a plain case, and the juror must stand aside. Defendant protested against the ruling of the court, and requested them to note his exception.

*Robert Seattle*, on the first *venire*, having sworn that he had not formed nor expressed an opinion, was set aside, on motion of defendant, for the production of witnesses. When his name was called, and the witnesses were about to be examined, the court said it was unnecessary; he must stand aside, as they had noticed "an improper communication" with him; Judge Staples remarking that this was enough to throw a doubt on his qualification. The "communication" was with William H. Cranston, esq., whom the government had requested to look up witnesses in the case of Tallman, and who had passed over, in the view of the court, and held a conversation with Seattle.

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SATURDAY AFTERNOON, April 27.

*Edward Coggeshall* examined—Had expressed no opinion. Stephen P. Slocum, witness, testified that he had heard Coggeshall say that Dorr "ought to be hung;" and Peleg Almy, jr., that he had heard him say that

the "Dorrite party ought all to be hung." Blake, attorney general, remarked that the juror intended nothing personal by this. Set aside.

MONDAY FORENOON, April 29.

*William Swan, jr., sworn*—Had expressed no opinion. Caleb S. Knight, witness, testified that he had heard Swan say that "Dorr and his party ought to be hung," and that Dorr had committed treason. Set aside.

Defendant stated to the court, that, from information given to him, it seemed to be a proper question to one of the keepers of the jury empannelled in part, whether he had had any conversation with any of them upon the case on trial. The question being asked, the officer declared that he had not.

Defendant challenged, in writing, the whole array (of 12) returned upon the third *venire*, on the ground of improper interference by William H. Cranston, esq., who accompanied the deputy sheriff out of town in making the summonses, and in whose handwriting the return of jurors was made.

"CHALLENGE.

"SUPREME COURT, *March term, 1844.*

"*Newport, se.*

"*Indictment - the State vs. Thomas W. Dorr.*

"I challenge the array in this case for manifest partiality in the officer by whom the same was returned, because—

"George Howland, a deputy sheriff of this county, who was charged with the service and return of the writ of *venire* for additional jurors, unmindful of his duty in that behalf, and to the great and manifest prejudice of this traverser in obtaining a fair trial by an impartial jury, did, on the night of the 26th of April instant, take with him, to advise with and assist him in his said duty, William H. Cranston, esq., an attorney and counsellor at law, and an officer of this honorable court, whose frequently expressed opinions are inimical to the traverser, and who, ever since the commencement of the present trial, has acted, apparently, as an attorney with, and in the employment and under the direction of, the attorney general; and has summoned witnesses, at his request, in behalf of the State, from remote parts of the island.

"And because the jurors returned on the writ of *venire* aforesaid, by the said George Howland, deputy sheriff as aforesaid, and constituting said array, were returned at the nomination and suggestion of the said William H. Cranston.

"And because the return upon the said writ of *venire* is in the handwriting of the said William H. Cranston.

"THOMAS W. DORR."

Mr. Dorr said that it was impossible to disguise the fact that an attempt was made to construct a political jury for the trial of this indictment. Of all the men who had thus far been summoned by the sheriff, only one was of the same political party with himself; all the rest were his political opponents. And this was the "fairness" for which the indictment had been removed into this county from that where he resided, and where the acts charged in the indictment were said to have been committed. Such a proceeding as this he intended to expose here, and before the country. He believed that he might with propriety have made a similar challenge to the first

*venire*, as having been got up under the inspection of a relation of the individual designated in this challenge. But he had supposed that such a general challenge might have been regarded by the persons summoned as directed toward themselves, though it would have been intended only for those who were making use of them for their purposes. Such a mode of getting up juries to insure conviction, ought to receive the severest reprobation.

Blake, attorney general, with considerable warmth, repelled the implication which he said the challenge conveyed, that he had been sending out an emissary to nominate and collect jurors; and, in his turn, charged the defendant with attempting to direct the sheriff in the discharge of his duty.

Mr. Turner said that he would take the word of the attorney general in the disclaimer he had made, and would cast no imputation upon him; but it was very natural to suppose that Cranston might be under his directions *generally*, as he (Blake) had stated here that he was under his directions in summoning witnesses.

Mr. Dorr said that Mr. Attorney, in a moment of irritation, had made a charge of interference against him, which was groundless. After the first *venire* was exhausted, he (Mr. Dorr) had said to the sheriff, as he was passing round the table, "Give us this time, Mr. Sheriff, two or three democrats. Before, they were all of the other sort but one." This was said sportively, and publicly, in the hearing of several persons, and not for any improper object. No individual was named to the sheriff. I now repeat, said Mr. Dorr, in the presence of the court—let us have men for this jury who are not all of one sort.

John Tallman testified that William H. Cranston was with the officer on Saturday morning when he summoned Headley as a juror; the day before, Cranston was with Headley and Dennis.

John Headley was taken up as a juror on Saturday, William H. Cranston being in company with the officer. Cranston sought for witnesses against Abner Tallman, who had been summoned as a juror.

Nathan Dennis testifies that William H. Cranston was in company with the officer who summoned him as a juror; the day before, Cranston came to summon him as a witness. Cranston said to him (Dennis) that he was looking for witnesses to get Abner Tallman from the jury.

Samuel Heath was summoned as a juror by the officer, Cranston being in his company.

Mr. Turner read from 3 Jacobs's Law Dict 569, and Co. Litt. 158, on the subject of the impartiality which ought to be shown by officers in summoning jurors.

A "tolerable ground of suspicion" even is sufficient to set aside the sheriff's return. So also a nomination of the men by either party.—3 Bla. Comm. 359; 4 Bla. Comm. 352; 4 Hawkins' P. C. 11; Hale's Comm. L. 286-9; 3 Jacobs 574.

"One person returned on a pannel, at the nomination of either party, will vitiate the return."—Wood's Instit. 616.

"An attorney was turned over the bar for giving directions to the sheriff what persons he should return."—English Liberties 239. 3 Jacobs L. D. 572.

The court decided that the challenge to the array could not be sustained; and the defendant excepted to the ruling of the court.

The defendant proposed a question to the court respecting his right of being heard for himself. A prisoner has a right to be heard by counsel,



and to speak for himself. After the two counsel whom the rules allow have spoken, is it still the right of the prisoner to be heard? The court said not. The prisoner, if he speak, is one of the counsel, and only one other can be heard with him.

MONDAY AFTERNOON, *April 29th.*

Samuel Heath examined; summoned for a juror, and declared that he had expressed no opinion. Peleg Almy testified that he heard Heath say they "did not kill enough at Chepachet," (meaning the charter troops,) though his feelings were not worse toward Dorr than the rest; he considered him as a ringleader. Set aside.

Samuel Westcott was admitted a juror.

Defendant excepts, because his answers were unsatisfactory.

TUESDAY MORNING, *April 30th.*

Mr. Blake alluded to the injustice which, he said, was done to William H. Cranston yesterday, in the matter of summoning jurors.

Mr. Cranston said that he had no conversation with the deputy sheriff when he went out to summon jurors, but rode with him only. Those who knew him would believe him incapable of such an interference.

Benjamin I. Lawton examined for juror; had expressed no opinion.

Thomas Cutter heard him say that "T. Dorr ought to be shot."

Abiel Spencer heard Lawton say he "would chop Dorr fine enough to make sausage-meat, if he could have his way."

George L. White heard him say that he "would have the Dorr party all hung."

Ordered to stand aside for the present. The jury was filled without calling him again.

At 10 o'clock in the forenoon the jury was completed, and the following is a list of them:

1. Benjamin Carr, of Tiverton,
2. Asa Devol, of ditto,
3. William L. Melville, jr., of Newport,
4. William Card, of ditto,
5. Jonathan Coggeshall, jr., of Portsmouth,
6. David Seabury, of Tiverton,
7. Benjamin Cory, of ditto,
8. Charles W. Howland, of Little Compton,
9. Borden Chase, of Portsmouth,
10. Joseph Paddock, jr., of Newport,
11. Richard C. Norman, of ditto,
12. William D. Southwick, of ditto.

Richard C. Norman was appointed foreman, and declined. Joseph Paddock, jr., was appointed in his place.

The jury being empanelled, the clerk again read the indictment, and Mr. Bosworth opened the case for the State.

The crime charged was happily a novel one. A terrible oppression had been occasioned by trials for treason, when carried on by the king and government in England; and this had been the occasion of the crime being restricted here to those odious and atrocious acts which stab maliciously and wickedly at the life of the State. The prosecutors, he said, could have no feelings which would lead them to desire a conviction in this case. The

jury were fortunately relieved from the duty of ascertaining the law. The court will instruct them in the law, and they will apply it to the facts. He spoke of the violation of high duties in treason. Read the statute against treason; two witnesses required to each overt act.

Levying war was an unlawful assembling, in warlike array, with treasonable purpose, and with ability to commit the act.—2 Swift's Dig. 264-'5.

Appearing at the head of armed men, and advising them to act, is a levying war.—6 Dane's Ab. 693.

Dispersion without an actual engagement does not take away the character of treason. Manœuvring in the face of the government is enough.—2 Burr's Trial, 407.

There are four counts in the indictment. Two charge the acts done at Providence on the 17th and 18th May, 1842, and two those done at Gloucester on the 25th and 27th of June.

Mr. Bosworth then went on to give a history of the proceedings of the defendant, and to describe his motives and character in an exaggerated strain of denunciation and invective, more adapted to the political caucus than to the hall of justice, and which a political opponent of more manly qualities would hesitate to employ. Mr. B. had forgotten the remark of his colleague, (the attorney general,) that "if Mr. Dorr was governor, then he had a right to do all that he did;" and that the true question involved the principle of popular sovereignty, which might be honestly supported by Mr. Dorr, as it had been by the men of former days, who have bequeathed to us the inheritance of our liberties.

The question was raised to the court by Mr. Bosworth, whether the prosecution may prove the intention of the accused before the proof of the overt acts of treason. The court, upon the authority of Chief Justice Marshall, (1 Burr's Trial, 472,) decided that the prosecutors might proceed in the order they pleased. Chief Justice Durfee remarked, that the intention may well be proved first, "for the law does not presume that a man at the head of armed men is committing treason."

The prosecuting officers then proceeded in the examination of witnesses in behalf of the State.

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#### WITNESSES FOR THE PROSECUTION.

TUESDAY FORENOON, *April 30, 1844.*

*Jeremiah Briggs*—Was present at the meeting of an Assembly at the "foundry," on the 3d of May, 1842. Saw the officers sworn; saw Mr. Dorr hold up his hand and take the oath of office. The oath was taken by the representatives, senators, clerks, and the State officers, excepting the general treasurer. Mr. Dorr took an oath to support the constitution of the State and of the United States, as governor. Saw a large procession formed on Christian Hill. The General Assembly and the governor were attended by about 150 armed men. Crossed over from the hill to the house where they were to meet; was there the whole time, and heard Mr. Dorr deliver his address as governor; it was very long. The Assembly passed acts to renew the charters of several of the military companies. They also elected military officers, and passed several resolutions. They amended the charter of the volunteer company of Providence, and of the light infantry company of Woonsocket, so that they might enrol 200 men. They also amended some laws passed by the General Assembly some time previous;

recollect, in particular, the riot act. Some of them seemed to think the foundry was not a fit place to sit in, as it rained through, and some drops fell on the speaker's head. They requested the sheriff, Burrington Anthony, to obtain the court house for their session the next morning. Witness passed in with the procession. They went in uncovered, through files of soldiers.

*Cross-examined*—Witness heard Mr. Dorr deliver his address as governor from a printed paper. There was nothing unusual in it for such an address. Never heard one delivered before; heard nothing in it about using force. The procession was like others he has seen since; has seen better looking men.

*William Burrough*—Saw Mr. Dorr at the foundry acting as governor of the State. Saw the procession form; it was composed of men armed and unarmed. Saw Mr. Dorr take the oath in the common form. Military guards were stationed about the building for some time. The General Assembly passed acts, and appointed military officers. They appointed a committee to call on the secretary of state to take possession of the papers of his office; also, a committee to take possession of the public funds. Mr. Anthony, the sheriff, was authorized to prepare the court-house for the use of the Assembly. They abolished the laws respecting offences against the State, called the Algerine laws; they appointed civil officers, and continued the courts; they appointed a speaker and clerks, and altered the law respecting riots. Saw a guard at Anthony's house on the 18th of May. There were several cannon there, and some companies of armed men; supposed they were there to protect Mr. Dorr.

*Cross-examined*—There were armed men in the procession on the 3d of May. Some had clubs or canes; they were not ordinary walking sticks; some of them were as large as his arm. The committee spoken of to take possession of the public funds were to demand them after a new treasurer was sworn in. There was nothing warlike or riotous in the proceedings of the Assembly. Does not recollect hearing any forcible measure proposed. B. Anthony was authorized to go and demand the keys of the State house, and, if he obtained them, to prepare it for their use. Nothing was said about what he was to do if he did not get the keys. He was requested to do so. Saw no difference from other legislatures in the mode of conducting the business. One man there seemed to know more about business than the rest, and told them what to do; others did not seem to understand the manner of doing business; never saw anything just like it elsewhere.

*Levi Salisbury*—Saw Mr. Dorr at the foundry. The Assembly was held there for the purpose of organizing the new government; and they took the necessary steps for that purpose. Was not present when Mr. Dorr took the oath as governor. Heard him deliver his message; he was standing on the platform at the end of the building; don't recollect seeing him before he came in. The procession was decent, well dressed, and orderly; the armed men had guns or swords. The General Assembly passed acts and resolutions, and appointed officers, chiefly military. Does not recollect the appointment of any but military officers, excepting those necessary to organize the two houses. Committees were appointed to inspect the public offices, and to transfer to the new officers the books, property, and papers. A resolution was passed directing the new treasurer to receive and receipt for the funds. Does not recollect hearing Mr. Dorr propose to take possession of the public property by force, or any other person in his presence.



Was not at B. Anthony's house on the night of the attack on the arsenal ; knows of it only by report. Does not recollect of hearing Mr. Dorr say anything about attacking the arsenal.

*Cross examined*—Witness believes that the General Assembly passed a resolution authorizing the governor to demand and require the surrender of the public property to the new officers of the State. The organization of the government was conducted in every respect in an orderly manner ; there was nothing unusual, except that both houses met in one room. Saw no dictation of any one person over the rest. There was by-talk and conversation among the members of the legislature, as in other public bodies. A resolution was passed in the house, requesting the sheriff to prepare the court-house for the use of the Assembly. Does not recollect that anything was said of any alternative if the house should be refused to him. Saw nothing unusual in the procession. Did not see any of the procession carrying large sticks or clubs.

[Witness hesitated in replying to a question from the attorney general, whether he knew that it was Mr. Dorr's wish to take possession by force on the 3d of May, 1842, on the ground that he might subject himself to prosecution for misprision of treason, if he stated he had such knowledge and gave no information of it.

The attorney general said it would be such an offence to refuse to testify what he knew of such a desire or intention on the part of the defendant.

Mr. Dorr said he hoped Mr. Salisbury would not withhold anything he knew on his account.

The court said that the witness was not asked whether he divulged or concealed, at the time, his knowledge of Mr. Dorr's intentions, but more generally what he knew on the subject ; and that he must answer the question asked of him.]

Mr. Salisbury continued : He certainly understood, at the time, that it was the wish of Mr. Dorr to take possession of the State-house and of the other public property. (Mr. Dorr said witness was correct.) Witness understood that Mr. Dorr was for vigorous measures. There was some discussion in the house on the subject ; but it was dropped informally. There was a division of opinion in the house upon taking such a step. The resolution that was passed, requesting the sheriff to prepare the State-house for the sitting of the Assembly, did not authorize or imply the use of force for that purpose. Witness understood that it was then Mr. Dorr's intention, and also that of others, to take possession of the State-house and other public property by force, if force should be necessary.

*Wm. H. Smith*—Was at the foundry at the meeting of the General Assembly ; Mr. Dorr also. Witness heard him deliver his inaugural message ; thinks Mr. Dorr took the oath, but does not positively recollect seeing him do so. The procession was formed near the Hoyle tavern ; Mr. Dorr was near the head of it. Some were armed ; others not. Persons with arms walked by the side of the members of the Assembly ; also by Mr. Dorr. The Assembly elected military officers. Does not know that Mr. Dorr signed any military commissions to officers then appointed, or that such commissions were issued ; or of Mr. Dorr's procuring a seal of the State. That was the duty of another officer. Witness has seen commissions with Mr. Dorr's signature to them, but does not know that they were issued to the persons named in them. Heard Mr. Dorr say that he was elected to the place of chief magistrate, and was bound to perform the duties of his office.

Has also the strong impression that Mr. Dorr said it would have been better to go at once to the State house and take possession of it. Witness knows that it was Mr. Dorr's desire to take possession of the State-house at all events. Witness did not know at the time that force must necessarily be used. There were different opinions as to the necessity of force to accomplish the object.

*Cross examined*.—A resolution passed the Assembly requiring all persons in possession of any of the State property or papers to transfer the same to the newly elected officers; and the governor was authorized to carry this into effect. This resolution was passed near the close of the session. State officers, senators, and representatives were elected. A committee was appointed to count the votes. The votes were counted; and the result was declared to the Assembly. Witness thinks there were about 7,000 votes given in. There were few, if any, against Mr. Dorr. Does not know that any other governor of the State was ever elected by an equal majority. Mr. Dorr made no proposition hostile to the true interests of the State. He acted as governor of the State. Witness never knew of his acting otherwise than from a high sense of duty. He was treated by the Assembly, and those associated with him, as governor. Witness does not know where the votes given in for defendant as governor now are; or where the votes are at present which were given for the people's constitution, under which Mr. Dorr acted.

#### TUESDAY AFTERNOON.

[Mr. Turner, for defendant, read from the authorities, to show that an overt act of levying war must be proved, before testimony as to intention, or for other purposes, can be introduced.

The court adhere to their opinion before expressed.]

*Roger W. Potter*.—Was sheriff of Providence county in May, 1842. Saw the defendant at the Assembly held at the foundry. He was called the governor of the State. The day after the Assembly adjourned, a warrant was placed in the hands of the witness against Dorr, and another against William H. Smith, as secretary of state. Mr. Dorr was not to be found. Witness saw him again on the 16th of May, (the day he returned from New York.) He was in a carriage surrounded by a guard of armed men.

*Cross-examined*.—Witness did not go out of the middle of the city to look for Dorr. Witness was first directed to go to Burrington Anthony's house for Dorr; but, after dinner, was directed not to go there, but to arrest Dorr if he should find him down street in the city. Did not know what might be considered his place of residence, as he had removed from his former home to the Franklin House, and afterwards left that house. Did not know that his residence was at B. Anthony's. Did not inquire for him there. Was told he might be found at the printing office of the Herald or Express. Edward Carrington, of the council, and others, told him that Dorr would be down street. Witness received the warrants from the governor, or some one of his council.

*Dutée J. Pearce*.—Does not know what day Mr. Dorr left the State for New York after the adjournment of the people's legislature. Witness left on Saturday, and met Mr. Dorr in Philadelphia on Monday. They proceeded to Washington. Witness left him in New York when he returned from that place. Witness knew Mr. Dorr intended to return to Rhode

Island; but nothing respecting his intention to maintain himself as governor, and to take possession of the public property by force. Mr. D. did not communicate with him on the subject. The proposition to take possession of the property was made at the time of the sitting of the legislature; but witness did not hear defendant make it. Witness took ground against this proposition, and opposed it. During the session of the legislature at the foundry, there was a meeting of several persons at B. Anthony's house, and the subject of taking possession by force of the public property was talked over. Several persons were in favor of it. Does not recollect that Mr. Dorr expressed an opinion.

During this absence of the defendant, witness heard him speak of bringing a force to this State, to resist the force which might be brought by the General Government in aid of the charter government; but defendant never spoke of wanting or using any force from abroad, except in the contingency of an interference from abroad by the United States troops. He did not say how many men would be wanted in such an event. His object was to prevent an interference on the part of the General Government. Witness was informed, after he left Washington, that defendant saw the President. Dorr stated to witness afterwards, at Chepachet, that he considered himself the lawful governor of the State, and that he had as good a right to use force to defend the government as any other officer had to overthrow it. Did not hear him hold out any inducement to any one to stand by him. He certainly did not to me.

*Cross-examined.*—Did not hear Mr. Dorr say that he wished to take forcible possession of the State-house. Did not have much conversation with him at that time. George H. Brown, of Chepachet, was strongly for the measure. Witness took ground against it. For this he was called a coward by Mr. Brown; but he (Brown) had made tracks fast enough when he got into difficulty.

Witness had no doubt of Mr. Dorr's intention to take possession of the State-house. When witness returned to Newport, he said then, that if it had not been for him, Dorr and his men would have taken possession of the public property; and witness believes he was correct in saying so.

*William P. Blodget.*—Saw Dorr in the procession on the 16th of May. Followed the procession to Federal hill, near B. Anthony's house. He addressed the multitude; does not recollect whether from a carriage or a platform. He said it was false, as he had been accused, that he should have the aid of 500 men from abroad that he had asked for; he expected 5,000 when they were wanted. He drew his sword, and said it had been dipped in blood once, and before he should yield up the rights of the people of Rhode Island, it should be buried in gore to the hilt. Dorr was surrounded by between 300 or 400 armed men in the procession, and a concourse of unarmed. Witness never heard such a yell as when defendant announced his determination. They applauded him with the yell of fiends. Witness was told it was not safe for him to remain there. Was not much frightened. Remained twenty minutes or half an hour. The men about Dorr were more like desperadoes than men. They only wanted a leader to do anything. Gave information of these proceedings to the governor and council.

The cannon of the artillery company were taken by Dorr's men on the afternoon of Tuesday, the 17th of May. The detachment came down about four o'clock; no authorized person was present to defend them.



Witness collected a number of his friends, to prevent the carrying off of the guns, in case the orders should arrive from the governor in time; they did not arrive, and the guns were carried off. The officer in command of the detachment said the muskets of his men were loaded; so also did one of the company. The troops from the rest of the State were ordered up, and came during the night of the 17th and in the morning of the 18th. Witness was not at the arsenal, but was ordered to await the arrival of the troops from Warren, Bristol, and Newport. In the morning the column of about 550 men marched up Federal hill, under the command of Col. William Blodget; he marched beside the commander. Some one came and told them for God's sake to stop, as they would be fired upon. Companies were then deployed to the right and left, and the cannon of the Newport artillery were unlimbered in front. The hostile guns were then withdrawn some distance. The numbers around them decreased very rapidly when the troops came up to 40 or 50. The cannon were said to be loaded with round shot and slug iron. After a time B. Anthony promised that the guns should be returned at four o'clock in the afternoon if the troops were withdrawn; Anthony said the men were drunk, and could not be influenced by him. The troops were consequently withdrawn.

*Cross-examined.*—Did not see on what Dorr stood when he made his speech. The shout was more like an infernal yell than anything else. To understand it, one must have seen Dorr's countenance when he made the speech. It accorded with the whole scene.

Dorr did not make any explanation as to the use of the 5,000 upon the interference of Tyler. His name was not mentioned. Did not derive the story of the sword from a newspaper. Witness has not said that he came here to get Mr. Dorr convicted, or to that effect. He has said that he should say here all he could against Mr. Dorr.

*Edward H. Hazard.*—Saw the procession of the 16th of May. Information was received by the authorities that Dorr was in Stonington, and an armed force of his friends went to Stonington to escort him up. A proposition was made to the governor to arrest Dorr at Kingston depot, but it was not accepted.

Went down to the depot of the Stonington railroad on Monday morning, and saw Dorr arrive. There were probably about 1,400 men in the procession; went with Colonel Blodget afterwards to Federal hill. Heard Mr. Dorr say that the sword had been dyed in blood, and should use it again in the same way in defence of the rights of the people of this State. Dorr also requested the military officers to meet him at Anthony's.

[Mr. Hazard then gave an account of the proceedings at the arsenal on the night of the 17th of May, and also of the occurrences in the city on the 18th, and afterwards; giving hearsay information relating to various individuals and subjects, which was objected to by counsel for defendant. Witness, however, proceeded.]

Witness saw the men at the breastwork after they had fallen back from Anthony's house. D'Wolf was to take charge of them, and, if they could hold out a short time, Dorr was to return.

*Cross-examined.*—Dorr spoke boldly and candidly. Witness thinks he may have said that the 5,000 men who were to come from New York were to stand against Tyler, though he does not distinctly recollect. Witness did not derive the story about the sword from a newspaper. Never saw it in any newspaper.

*Henry S. Hazard.*—Was in Providence on the 17th and 18th of May; saw Dorr on the 16th of May, when he came from Stonington; saw the procession first going to the bridge; didn't follow it; saw a large collection at B. Anthony's house on the 17th of June; many were the same as those who went in the procession. There were 300 or 400 up there when I went up; they were in companies; their arms were stacked, and guards were stationed round them. On the night of the 17th, about 12 or 1 o'clock, heard cannon fired; rode up on horseback over Federal Hill; saw the men in line; rode along the line, and over to the arsenal; told Colonel Blodget that they were coming; he said he was ready for them; rode back, and heard them asking one another in line whether they were going to the arsenal; some said they were, some said they were not; then rode to the light infantry armory and told Colonel Brown. There were 400 or 500 men, but not all under arms. The cannon were in the road; they appeared ready for service.

*Cross examined.*—Should think there were rising 400 men with arms. There was a very heavy fog that night; rode along the line from one end to the other; couldn't see more than half the length. They were standing in line—not in the best of discipline; think they were mostly in double line; stopped a little from the further end of them; rode along the whole line; went there on purpose to see how many there were; didn't see Dorr that night. In answer to question whether he had said he hoped to see Mr. Dorr in prison, witness replied that he had said he hoped justice would be done to Mr. Dorr, and he was anxious to have him arrested; has no hard feelings against Mr. Dorr.

*Joseph S. Pitman.*—Heard on the 15th of May that Mr. Dorr had requested an armed force to meet him at Stonington; the next day saw him escorted through the streets of Providence. [Mr. Pitman was aid to Governor King, and gave an account of what he saw as a scout on the night of the 17th.]

*Henry S. Hazard,* recalled.—As we marched up, the cannon of the insurgents was planted opposite Anthony's house, pointed down the hill. We marched up until we could see into the muzzles of the guns, and then halted. The insurgents then withdrew their cannon, and many of them dispersed; should think that when they posted their cannon again, not more than forty or fifty remained. Saw a man swinging a torch, as if to apply it to the cannon; some one took hold of him and prevented it.

*Orson Moffitt.*—Saw Dorr in Providence on the 16th and 17th days of May; saw him marching through the streets on the 16th. On the 17th, an armed force came down from B. Anthony's house to seize the cannon of the artillery company; saw them take the guns and carry them away. They said they came by orders of Governor Dorr. They said their muskets were loaded. Saw Dorr, on the 16th, draw his sword, and something was said about a sword dyed in blood; could not hear exactly what else he said. Went to Warren on the 17th, at night, to bring up the troops; came back and went through the city the rest of the night. Went into Dorr's lines; heard him give the order to fire; saw one gun flash, and then heard Mr. Dorr himself call for the torch; saw the other gun flash; saw him holding the torch; could see him plainly when the gun flashed; was near enough to him to have touched him easily. The cannon was near the arsenal, pointed at it. When he found the gun only flashed, he said he was betrayed. He appeared to be commanding; heard him give no other orders

than the one to fire; it was obeyed instantly. There was no guard on the plain when I was there; saw a number of men about. They generally started to go off, and I left soon after the gun was flashed. About 12 o'clock that night, witness was fired into going down Carpenter street; was challenged first; did not stop, and the musket was fired; was leaning down and looking out of the carriage, else he should have been hit.

*Cross examined.*—Saw Dorr draw his sword on the 16th; could not exactly hear what he said. Saw Dorr on the night of the 17th. Am certain that he applied the torch to the cannon; knew him by the voice at first, and then by sight. Witness could not say anything about the dress of Mr. Dorr—whether he had a hat or a cap, or what sort of a belt, or what was the position of the guns, or who were near or standing around, or who flashed the first gun. Was in the midst of the men about the guns.

*George O. Bourn* described the march of Mr. Dorr's men toward the arsenal. A person, who was following, told him there were 300 or 400 under arms, and that others were to be armed with the guns that might be taken; they were then to march toward the city. The cannon were placed near the great tree. Thought the men in the arsenal could reach those around the cannon on the field with muskets.

*Cross-examined.*—One of the insurgents told him there were 1,000 men without arms, who were to be furnished from the arsenal.

WEDNESDAY, May 1, 1842.

*Roger W. Potter*, recalled.—Went on Federal Hill on the morning of the 18th of May, while the insurgents were there. Was called upon in the morning to go to the council chamber. A warrant was put into his possession against Thomas W. Dorr. Went up with the governor to Federal Hill; we missed of the troops who had started before us. When we got there, John S. Harris was addressing the crowd; went in and inquired for Dorr; B. Anthony pledged his honor that Dorr had been gone some time. A call for the governor to come to the window arose; witness took out the window; Governor King then said that the sheriff was in the house with a warrant for Dorr; they cried out, "No, no, shoot him, shoot him." Governor King then retreated from the window. Witness went to the window; they cried out "Shoot him." A man levelled a gun at his head; they looked at each other a moment, and the man lowered his musket. At Burrington Anthony's request, witness called to the crowd not to fire into the house. A cry then arose that the landholders were coming. William Dean gave the information, and the men rushed away from the house and the cannon. Went out to the cannon; a man by the name of Gould was flourishing a lighted port match above one of them, which was pointed directly at the troops coming up the hill. Carter said that he should stand by the guns till he was shot down; Gould said that the cannon were loaded with round shot and scrap iron. When we first went up, there was a line of men with muskets before the house—perhaps a hundred; there were armed men in the house, on the stairs and above. When the troops came up, there was a great rush of both armed and unarmed men from about the house. One man cried out, "Where the hell are you going?—a pretty soldier to be running away!"

*Hiram Chappell.*—Was in the procession which escorted Dorr from Stonington depot. They were under arms; don't know that the muskets were loaded; the men had ammunition. Witness remained at and about the house of Burrington Anthony till they went to the arsenal. Isaac Allen.



had command of the troops at Burrington Anthony's house; he said at the time that he was appointed a major by Dorr, and received his orders from him. Knows of ammunition being purchased for the purpose of going to the arsenal. Dorr gave him money to buy powder and flannel, \$25. Dorr went with the troops to the arsenal. Witness did not go on to the field. All the troops left the field about daybreak. Went back with Dorr in the same squad; he said nothing about disbanding his troops, or going away. Did not know that Mr. Dorr had left till 8 or 9 o'clock. Drew the charges of the guns in the morning with Carter; found first a bag of slugs, then a ball, then a cartridge, then another ball, then another cartridge; the last cartridge was fired off, and the guns reloaded. They were loaded with ball and bags of slugs when the troops came up.

Went to Chepachet on the 24th of June. Saw men under arms, about 250 or 300, and in the morning saw a breastwork thrown up. Isaac Allen had command of them. Afterwards they chose D'Wolf commander. Saturday Dorr came with an escort, and staid there till Monday night; about dark a letter was read on the hill, ordering the troops to disperse and go home peaceably. There were 25 or 30 of the Spartan band, who were said to come from New York. They were armed with muskets. They were out on scouts most of the time. D'Wolf was chosen by the officers. There was a pike company here, a picked-up company. There was a large quantity of scrap iron for the cannon, and three boxes of balls; looked as if they came from some fort. One of the cannon came from Olneyville, called the Governor King. A rumor arose at one time that the Algerines were coming, and Major Allen made a fuss and called up the Woonsocket artillery to stand with match ropes lighted, by the guns. Allen said that if the Algerines did not come up, then they would go into town on Wednesday. D'Wolf and Allen took their orders from Dorr. They so reported, and Dorr directed the troops to obey them. Dorr's order was, that no stranger should be admitted on the hill. The report was there that men were coming from New York, Massachusetts, and Connecticut; also that Mike Walsh had written to New York for the rest of his band. The muskets were said to have arrived at Norwich, and were then in boxes on the wharf, as the railroad directors would not let them be brought over; the troops there were encouraged by these reports. Knows that arms and ammunition were obtained and secreted after the Federal Hill affair for the Chepachet gathering. Had some in his own house. Knew of the expedition to Warren, as the men came to his house for arms. Knew that they wished to go and get arms from the wharf of Messrs. Brown & Ives. At Chepachet guards were set, countersigns had, and one prisoner was taken. Heard from Captain Bradley that he had surrounded Sprague's house with his company, to find if Dorr was there. Witness ascertained that he went away about half an hour after the letter was read upon the hill. Witness knew half an hour previous that Mr. Dorr was going to leave. Dorr came on the hill soon after he got there, and also on Monday. Heard that Dorr's father had been there Monday.

[Mr. Turner objected to the witness's stating for testimony the hearsays and rumors that anybody may have told him. He ought to state facts. The court ruled, that whatever the insurgents said or did among themselves was proper evidence to characterize the assemblage. The government were bound to prove the connexion of the prisoner with this assemblage. The defendant was not answerable for their acts any further than this.]

*Witness.*—When the letter was read upon the hill, the troops dispersed in great confusion, like a flock of sheep with dogs after them. Knows that arms were purchased in other States for the use of the troops at Chepachet. Tents were there, which came from Massachusetts; two men there told him that they were stolen. Dorr went off from Federal Hill before the governor and sheriff came up. Didn't leave till after it was reported to witness that the troops were coming.

*Cross-examined.*—In witness's opinion, there were 250 or 300 men armed at Chepachet; they were going and coming continually. They were not permitted to go or come freely from the hill. No one could go from the hill, except by permission of the sergeant of the guard. An expedition went out after arms on Saturday. Heard there was a council of officers before the order to disband was given. The balls for the artillery that were there, were put up in boxes, as they are kept in forts and armories; had information of Allen that aid was coming from New York, Massachusetts, and Connecticut. On Monday night it was rumored that the State troops were encamped at Scituate. Did not hear, at the time we left, that any State troops were marching from Greenville.

Stated before the commissioners upon his examination that he plugged the cannon at Federal Hill; before they went to the arsenal, did plug the cannon with short pine plugs; this was done about 11 o'clock in the night; didn't tell any one of it then; should have been very foolish to have done so. Went out with the pieces, and halted there till morning. Was present when the charges were withdrawn from the guns the next morning; the pine plugs were jammed through.

By the 250 or 300 men in arms in Chepachet, means only those who were on the hill. There were men armed and unarmed in the village. There were guards in the barracks, as they were called, at the upper end of the village, and at Sprague's tavern. The men around street went where they pleased, except when the companies marched. The object of the assemblage in arms at Chepachet and at Federal Hill was to take possession of the State. Witness was an officer, but without a commission. Witness did not tell any one, after his examination by the commissioners, that his story to them about plugging the guns was false, and was related to them to gain favor.

*Jonathan M. Wheeler.*—Was in Providence on the 16th, 17th, and 18th days of May. Men were under arms in the escort. Dorr delivered an address on Federal Hill; was on the hill the afternoon of the 17th; there were armed men there; didn't know that the cannon were taken till evening. Was on the hill the night of the 17th; saw Mr. Dorr there once, on the ground at the arsenal. The troops were around him; witness staid there till two o'clock and then went away. Don't know what the troops did; thinks he heard Dorr say that if he was legal governor, he had a right to take possession of the public property, and was bound to do it. Understood the intention was to take the arsenal that night. Saw the guns flash. Was not near enough to see how they were pointed. Understood the guns were brought on the field to take the arsenal. Thinks the men in the field were under the command of Thomas W. Dorr.

*Gen. Leonard Blodget,* (at that time colonel.)—Witness produced the evidence in writing of his appointment to command the arsenal in Providence by Col. Samuel Ames, quartermaster general, and of the approval of Governor King.

Witness commanded the arsenal on the night of the 17th, and on the 18th of May, 1842, and was employed as above stated. On the night of the 17th an attack was expected. Somewhere from one to two o'clock in the night, a sentinel came and informed witness that there was a flag of truce at the door. Witness went down stairs to the door, and saw two men with a flag. One of them demanded the surrender of the arsenal. Witness asked him in whose name. He replied, in the name of Col. Wheeler, adding, in an under tone, and of Governor Dorr. Witness said he knew no such persons by those titles; and should not surrender, but defend his post. They then said that he or they would come and take it. Witness replied, "Very well, then come and take it." The bearer of the message then answered that Dorr had a large force with him. Witness understood that the demand was made by Colonel Wheeler, in the name of Governor Dorr. Witness was informed that there would be an attack just before the men came on the ground. Went out once and heard their voices. There appeared to be a large number, but saw them indistinctly. The arsenal and the arms in it were State property. The quartermaster general supplied the provisions and ammunition. From thirty to fifty men were enlisted by witness for the defence of the arsenal. Governor King came into the arsenal from ten to twelve o'clock on the night of the 17th, and went away again. Two companies marched into the building from the city, to assist in the defence—the Cadets and the Marine Artillery, numbering about seventy-five men each. A number of citizens were also present, making about two hundred in all who were in the arsenal that night. Did not see the flash of the guns before the arsenal.

*Cross examined.*—Does not recollect that Orson Moffitt made any report to him of proceedings that night. Does not recollect seeing Moffitt. Sent out Mr. Barker and Colonel Pitman as scouts. Knows nothing in particular of the movements of Mr. Dorr on the outside. Governor King remained but a short time at the arsenal. The building is of stone, two stories high. the walls 18 inches thick, the doors and windows of iron. The artillery pieces were placed in the lower story—five six-pounders. The doors towards the attacking party were to be opened, and the pieces were to be run out and fired.

*Nelson B. Aldrich.*—Saw Mr. Dorr on the plain before the arsenal on the night of the 17th May, with the men who marched there. They had two pieces of cannon. Dorr passed by witness. Saw the flash of the cannon, but was not near enough to see the direction in which they were pointed; the cannon were north of the arsenal. When Dorr passed, he was going along the line of a company. Understood that the object was to take the arsenal.

Was at Chepachet, and saw Dorr once on the hill; can't say whether he was armed. There were armed men there; and saw cannon, implements of war, and musical instruments. Saw Dorr at Sprague's tavern, the headquarters. He had a belt around him; can't say whether he had arms or not.

*Richard Knight.*—On Saturday, 25th of June, started from Providence for Chepachet, about two o'clock in the afternoon. Nothing strange took place till near Chepachet; passed two young men from Chepachet, going to Providence in a wagon; they turned and followed him; they could not overtake him; his horse got near the fort, and became frightened and ran; men ran down the hill and crossed his track; there were three blacks there;



one of them had a gun. Guns were pointed at witness, and one was fired; a black man told him the next day there was a ball in it. Several men ran along the hill and headed him off. The horse ran but about five rods farther, and stopped. The men asked where he was going; said he was going to Jeremiah Sheldon's. They told him to pass on; he stopped, and asked for Mr. Sheldon; the two men then came up and stopped opposite. Sheldon was sent for, and went into an inner room with him. Soon an armed man came to the door, and said Captain Bradley wanted to see him at the door of the house; witness went out, and saw a man with a sword, who said that Governor Dorr had sent to have him arrested, and carried on the hill. The officer told two men to take hold, one of each arm; they moved on three or four rods, and halted. There were 25 or 30 men about, who were ordered to fall in, and they then marched him on the hill. They carried him up to near where the marquee was. There was a gathering on the other side of the marquee. Was taken up to the place, and saw Dorr in the circle; the salute of the officer was returned by Mr. Dorr. They took me into the ring, and the officer said to Dorr that he had taken a man, and asked what should be done with him; Dorr said that depended on which side he was. Witness had some conversation with Dorr, and then the officer and Dorr stepped aside, and the officer returned and said I must go into the marquee and be examined by the officers. Went in and saw a man with no hair on, who was called secretary. They asked me several questions, and the answers were noted down in a book. Understood the secretary was Seth Luther.

Mr. Carter was present during the examination. Witness was then marched over with 16 men to the guard-house; was kept there that night and the next day; got permission to go to Colonel Aldrich's, who was colonel and commissary in that army. A great many men came in from the Thompson road; on Sunday there were from 600 to 1,000 men in the village, mostly without arms. There were said to be companies from places out of the State; some with drums, some without. The companies were marched up and down the street. Some of these companies said they were from one place at one time, and another at another. Saw pikes made in the blacksmith shop near the guard-house. On Monday, at 2 or 3 o'clock, Colonel Aldrich came and said I was released, but must stay till sunset, and then go without giving any information that I was released. He said that Governor Dorr was going away. Witness asked him to let him have an officer to go on the hill. Aldrich called a man whom he called sergeant of the guard, and he went with me. Down round the tavern there were men that grabbed him, but the officer caused him to be let go. Went up the hill and looked round. When he first went there on Saturday, Sheldon told him that the Algerines were deceived; that they could have 3,000 men, and as much money as they wanted. Went up on the hill, and saw about 150 men under arms, and probably 150 more standing round. On Monday there were 300 or 400 men under arms, half of them well armed. They pointed me out as the old Algerine. They were expecting some communication from the governor, and were impatient; some one said he had gone; another said it was a d—d Algerine lie. They expected the communication to be to go and attack the column at Greenville or Scituate. Saw Dorr with a belt on; cannot say whether he had any sword or pistols. The men said that they were going to take possession of the government of the State. Witness left the hill about 7 o'clock; went towards Provi-

dence, and about two or three miles from Greenville was stopped by the other kind of troops—at least they looked differently.

*Cross-examined*.—Dorr was not present in the marquee when the man with no hair examined him. Witness experienced no ill treatment from Dorr, or by his orders; was released by order of Mr. Dorr. Dorr was not present at any time after he was taken into the marquee, and witness never heard him say a single word. Bradley said that witness was taken in the camp; replied that he was taken in Sheldon's house. Carter said they were not going to have any Algerines coming there to contradict them; he would find that he had been taken in their camp, which would soon be the whole State of Rhode Island. Carter took up a bag, apparently of bullets, and said that those were the pills for the d—d Algerines. Witness went to Chepachet upon the suggestion of a daughter of Mr. Sheldon; had other business there; thought he had as good a right to go there as anybody. Witness paid his tolls, and went on his own hook. Don't recollect of having seen any of the governor's council that day before starting. A great number of men there on Sunday were spectators. The companies marched up and down the street several times, saying they were from as many different places. The last company was a large one of sixty or seventy men; they hurried, and said, This is the first company of the three thousand men from Hartford, who would all be there before the next night. Witness understood these movements of men pretending to be from different places were merely for show, to produce an impression on him of their numbers. Saw no men intoxicated on the hill; everything was orderly there, but there were one or two near the tavern who appeared to be affected with liquor. Don't recollect that they were armed. Witness was insulted most at the guard house.

*Charles J. Shelley*.—[Mr. Dorr objected to this testimony to prove acts committed before he went to Chepachet.]

The court admitted it, on the ground that it went to characterize the assemblage at Chepachet.]

*Witness*.—On the night of the 22d of June was hailed on the road to Chepachet and ordered to stop. Didn't stop. Drove on till near Sprague's tavern, and was again ordered to stop. Drove on till near the tavern, when we saw a cannon on the bridge a short distance off. We then stopped and went into the tavern, and asked some one to take care of the horse. Capt. West (as they called him) took out a pistol, and ordered him to sit down, saying that he had been at large long enough.

[Mr. Dorr again objected, and asked the witness if he saw him there, or heard that he was there. Shelley said he did not see him, or hear that he was there.]

*Witness*.—There was a warlike assemblage at Chepachet, at Sprague's tavern, and at the guard house. Should think there were a dozen or fifteen men.

#### WEDNESDAY AFTERNOON.

[Mr. Dorr again renewed his objection to the admission of the evidence of Mr. Shelley.]

The court decided that it was proper for the witness to state the object and intentions of the men collected there.]

*Witness*.—A body of armed men were in Sprague's house. Newell stated to him that they were officers and soldiers of Gov. Dorr. Newell acted as

an officer ; was called *Gen. Newell*. Witness was taken prisoner by them ; was retained in Sprague's bar-room half an hour ; then was taken over to the guard house, the building described by Mr. Knight. Protested against their taking him from the house of Mr. Sprague. Sprague said these men would take care of him ; that he was a prisoner of war. They took him for an Algerine, a spy, a d—d scoundrel. They stated that they were arrayed against the Algerine government. Was searched, and was taken from the guard-house, bound in the street, marched off towards the north, and finally reached Woonsocket. There were in company from 30 to 40 men armed with muskets and a piece of cannon. Major Allen had the chief command. Captain Bradley, Captain West, and others, were present. After marching six or seven miles, witness was put into the ammunition wagon. After they reached Woonsocket, an alarm was fired, and men collected in arms. Witness was taken to a room called the arsenal. After having been kept there some time, he was released. Two others were taken at the same time, and were marched over with us. Witness saw a wagon at Woonsocket, said to be loaded with muskets in boxes, and tents. This load went back with us to Chepachet. Witness went over with Carter ; staid in Chepachet about an hour. There were considerable numbers of men in arms there then ; they stated that their object was to take possession of the government, and to place the rightful governor at its head. Seth Luther was there. He talked of the object of the assemblage. He said they had a large number of men in New York who were coming on, with Mr. Dorr at the head. Carter said the same. He said they were all prepared and wouldn't have to go home for their breakfast, as they did on Federal Hill.

*Cross-examined.*—Don't know that I heard at that time of any apprehended attack upon Chepachet from the city of Providence. They talked at Chepachet of an express being sent towards Providence. Witness was complainant in certain cases in Providence county against part of the persons for offences committed at this time. Some of these men were acquitted, and part of the matter was compromised. The defence set up was, that there was a state of war, and the offence was merged in treason. It was not set up in their defence that there was any deficiency of evidence.

*Henry A. Kendall.*—Saw the body of men who marched on the night of May 17th to the arsenal, and saw them again on the plain before that building. They had arms and cannon, drums and fifes. Witness was there when they started and on the plain. The cannon were stationed so as to fire upon the arsenal. The purpose of the marching to the arsenal was to take it. Witness was a part of the time near Mr. Dorr. Can't say that he heard him give any orders. Orders were given by various persons. The troops marched on the plain ; they halted awhile, and then advanced. Witness saw the artillery pieces attempted to be fired. They flashed. Witness don't know who attempted to fire the guns ; was about ten or twenty feet from them ; don't know where Dorr stood at the time. Mr. Dorr was on the plain at the time. Witness thinks another attempt was made to fire the guns, or one of them. Witness thinks he discouraged Dorr from making the attempt on the arsenal while on the field. He did not comply with the advice. The men, some of them, remained on the field till daylight. They went on about one o'clock. Witness heard of the flag of truce being sent ; thinks Carter bore it. Witness don't know when Dorr left the plain, but witness thinks he left him there when he (witness) went away himself. Witness cannot recall the particulars of any conversation he had with Mr.



Dorr on the field. Witness knows what his own intention was in going to the arsenal, not that of any one else.

*Cross examined.*—Saw the man who attempted to fire one of the guns ; it was not Dorr. Don't think he saw the man who touched the second gun. Did not see Mr. Dorr have a torch in his hand that night. Witness did not go with the men to Chepachet.

*Col. Silas A. Comstock.*—Came to Providence about noon on the 18th of May, and went on Federal Hill. He saw the embankment which had been thrown up on the brow of the hill. Did not remain there.

Witness was also at Chepachet. Saw Gov. Dorr there, and a collection of armed men. Mr. Dorr came up on the hill to inspect them. He wore a belt with two pistols in it. Witness arrived at Chepachet before him. The men on the hill were, some of them, at work on the entrenchment. Does not recollect that they were drawn up in order when Mr. Dorr came upon the ground. There were a number of pieces of cannon, some of which were mounted ; there were also powder and cannon balls. Witness did not hear Mr. Dorr address the soldiers. The object of the assemblage was military discipline and improvement, in order to support and protect the people's legislature, which was to meet at Chepachet on the 4th of July. The meeting was accidental, and not by any particular orders that witness knew of. Guards were stationed about the hill in the night, and in the daytime also. Witness did not know that there was any particular movement in view, until something else was arrived at. Witness understood that Gov. Dorr issued his proclamation to convene the people's General Assembly at Chepachet ; and the men on Acote's hill gathered there in reference to this call. They meant to defend the place. The guards were stationed about for the safety and protection of the place. The men came to Chepachet when they did, in consequence of rumors which had been put in circulation that Chepachet was to be sacked by charter troops from Providence.

*Cross-examined.*—Witness acted as colonel of the men assembled in arms at Chepachet, and exercised authority accordingly. In the opinion of witness, on Monday, June 27th, when the men were formed into a regiment, there were under his command from 200 to 250 men under arms and orders ; and this was the greatest number of armed men who were at any time at Chepachet on his side. There were many other persons on the ground, and in the village, who came and went as they pleased. They were spectators, and were not a part of the military, or subject to any orders. There were as many spectators as men every day about the lines. The number of soldiers on the hill did not vary much, though the men kept changing, as they came and went. Witness was not there on Saturday afternoon ; but understood that a company then went off and returned to Cumberland. The spectators spoken of were from Gloucester, and from other towns. Our men were all volunteers, without pay. Nothing was furnished them but their food.

There was no fort on the hill ; there was nothing more than a slight breast-work going round the south and west sides of the hill. It was a temporary work of not much strength. There were large openings or embrasures in it for the pieces of cannon.

The general impression among the men was, that we were to maintain the government under the people's constitution by offensive or defensive means, as circumstances might require.

The men did not come there as full companies in a state of discipline.

They came for the most part in squads—a dozen or so in each. Only one or two companies came there as such, and officered. There were from eleven to thirteen men, who were said to have come from New York, and to belong to the Spartan band. They conducted themselves, like the rest of the men, in an orderly manner. Witness considered them under his command, as the rest were. There was no colored man under arms, to the knowledge of witness. But there were two or three blacks in the commissary's department, to prepare the provisions. None of our men were under pay. No inducement, other than his food, was held out to any to come there.

Witness understood that a proclamation was issued by Governor Dorr to the people of the State, but did not see it. The people were called upon to assemble in arms for the support of their government. There was very little response to the call. Our men did not assemble there from the several towns, as there was reason to expect they would do. The government under the people's constitution was abandoned for want of support by the people. This was the sole cause of the disbandment of the men.

A council of officers was called by Governor Dorr, to consider the subject, at General Sprague's house. Every officer present expressed his opinion upon it. The ground of the disbandment was, that the people of the State, after having been called upon, had refused to give their support to their own government. They had denounced its officers, and had gone over, many of them, to the other side, leaving their friends by themselves. The order to disband was submitted to the council of military officers by Governor Dorr, and received their approval. The meeting was at headquarters, at Sprague's house. Two meetings were held there in the course of the day. At the last, in the afternoon, the order for disbanding the men was given by Governor Dorr to General D'Wolf, at the house, for him to carry on the field and announce to the men. This order was issued towards sunset on Monday, June 27. Witness does not recollect that he took particular notice of the time of day; believes it was within an hour of sunset when the order was sent. The men disbanded in consequence of the order. There was a little feeling at first manifested by some, who were not informed of the circumstances, and who were for holding on. There were but few who made any objection to the disbandment, or who did not approve of it as affairs were situated.

Witness did not see Governor Dorr leave Chepachiet. The last he saw of him was when he gave the order to D'Wolf. It was a short order to the officers to disband their men; does not recollect the wording of it. D'Wolf read it to the men on the field, as given and signed by the commander-in-chief.

The subject was deliberated upon in council before the order was finally given. There was no irregularity or disorder among the men at the time, though they wanted discipline. They separated as usual after a dismissal. There were countersigns given out, but does not recollect any of them.

Witness saw Bradley at the house of Sprague at the time of the order to disband. The house was not surrounded at any time. Bradley's company were dismissed, and were firing their guns. The house was our headquarters. Witness recognised Governor Dorr as Governor of Rhode Island and commander in chief, and received his orders. Witness does not know of any force being expected from New York or elsewhere, or of any supplies expected from abroad. It was a matter of conversation, that, if the

troops of the United States should interfere in our State affairs, there were men in New York who stood ready to give their assistance to repel them. This was the general impression. There were at the hill two Massachusetts men—D'Wolf and another. No unnecessary restraint was placed upon the people in the village of Chepachet. Knows of no person being arrested besides Mr. Knight.

Governor Dorr gave orders that private property should be strictly respected by all; and, so far as witness knows, it was respected. The soldiers received their provisions from the commissary. Witness heard no complaint from any one that private property had been interfered with; if it had been, should have heard of it. We left the village uninjured and unmolested as we found it. Governor Dorr gave directions to have the guns, tents, and everything else on the hill, removed.

[Chief Justice Durfee here remarked, that there was no question about the taking of private property by the men in arms there (meaning the suffrage soldiers.) This is not in dispute; and defendant's questions to witness on this point are objectionable.]

*Direct examination resumed.*—Witness acted as a colonel; commanded the 2d regiment. There were a number of companies, as he had before explained, parts of which came there—two companies, from Woonsocket, one from Burrillville, one from Cumberland, one from Glocester, and one from Pawtucket. There was but one regiment there. Witness did not give any orders in particular to the Spartan band. Among them were Mike Walsh, Johnson, and Newman. Walsh was the leader. Witness didn't ask Walsh whether his object was to support the people's constitution or not. Has the impression that they were there to assist in any arrangements that might be made to defend it. Did not see Walsh go through any exercises.

The principal reason for disbanding was, that the people did not come, as they had promised, to support the constitution and government; and many of our friends had come out in the papers with a public remonstrance against our proceeding further. The charter troops had no effect upon us. They had not come near us. Orders were sent to all the towns, by Governor Dorr, for the people to assemble at Chepachet; to come out generally all who were in favor of the constitution, and show themselves, and present a strong front. The latest of his seeing Mr. Dorr was when he gave the order to D'Wolf. The consultation was had among the principal officers. D'Wolf was called first, as he was the tallest officer we had. Bradley, Newell, Potter, Carter, Landers, and as many more were called into council by Governor Dorr. Word was sent to them on the hill in his name. They went to his room, and he stated, in substance, that as no response had been returned to the orders issued, and the people were not with us, and declined to support us, that it was proper to disband. This was the opinion of the council also. D'Wolf fully recognised the propriety of the measure. Witness went with D'Wolf to the hill. Staid there till dusk. When we returned to the village, we did not go to Sprague's. Witness was at his house in the evening. Didn't see Governor Dorr again at all. The officers all separately expressed their opinions, but does not recollect that the question was formally put to the vote. Witness heard that the charter troops had come out as far as Greenville. But their coming out was not the cause of the disbandment; what men we had were ready to stand their ground.



*Horace A. Pierce.*—Came on with Mr. Dorr from Stonington, on his return from New York, May 16th. Mr. Sayles was there. Mr. Dorr did not say anything in witness's hearing about collecting a force at Anthony's house. Witness was not an officer there on the 16th. Saw Mr. Dorr a little after sundown on the 17th. There were a considerable number of men under arms at Anthony's house—about 300. There were two companies from Woonsocket, one from Pawtucket, and several from Providence. It was said they were there by order of Governor Dorr. Witness expected the object was to make an attack upon the arsenal. Saw Dorr in the house. They went to attack the arsenal that night about one o'clock. Colonel Wheeler and Major Allen had the direction of the troops. Dorr was at the head of them. He went with them. When we got near the arsenal, some one gave the word to halt. They then advanced some distance to where the cannon were placed. They were attempted to be fired, and were afterwards limbered again. Dorr came back, and requested men to take charge of the guns. Many of the men deserted them. Some of them were afraid and left. After the guns were flashed, Dorr came and requested the men to take charge of them. They were again unlimbered, and Dorr gave the order to have them fired again. It was said he touched them off. Witness could not see distinctly whether he did so or not. Some who were standing by, remarked that few men would have the courage that Dorr had, and no one could call him a coward, for he touched off the cannon himself. Those who remained then went back to Anthony's house. Witness thinks it was from seven to eight in the morning when Mr. Dorr left Providence. The State troops came up between eight and nine. Mr. Dorr went with C. Allen. Witness did not know that he was going till he had gone. The first he knew of it, some one called out of the window and requested them to disband. This was not assented to by those who had charge of the pieces. When the State troops came up, some one who had the port-fire, swung it, as if to touch off the cannon. Saw a gun presented either at the sheriff or Governor King. The pieces were withdrawn after the house had been searched.

Heard a fortnight after that another attempt would be made. Went to Chepachet—thinks on Wednesday, June 22d. A company came from Chepachet to Woonsocket, and witness returned with them. The embankment was begun to be thrown up on Wednesday or Thursday. There were from 100 to 150 men there then. Understood Mr. Dorr would be there. The purpose of our going there was to protect the General Assembly, and to execute the further orders of that body. Mr. Dorr came on Friday night or Saturday morning. On Saturday there were from 200 to 250 men on the hill. There were a great many without arms, who were in the village as spectators. There was a company of men who lived in Chepachet, who staid at their house except when exercised. There might have been some who came and went away again with arms, and professed their readiness to give their assistance if necessary. Went on the hill first with Dorr. He went round and spoke with the men. Didn't hear him give an address. There were five or six pieces of cannon on the hill. Never saw but one loaded. That was loaded with powder, ball, and a bag of slugs. Saw scrap iron around, and pikes. They were carried up on the hill. Saw Mike Walsh and his party. Thought he had 14 men; some said 11. Heard that if the Executive of the United States interfered, men would come from New York and other States to repel the troops of the United

States. The arms and ammunition were not, to his knowledge, furnished from New York. The disbanding was near sundown. D'Wolf brought the letter on the hill and read it. Witness was not on the hill at the time; was at the tavern. Can't tell certainly what time Mr. Dorr left Chepachet. Witness left himself before dark. Thinks Mr. Dorr left not far from dark. When Mr. Dorr went on the hill, he had a belt on, with a pair of pistols. Saw the handles of them. Thinks he had no sword. He had a cane. Witness does not know that he (witness) held any office there.

*Cross-examined.*—A man by the name of Smith told witness first that Mr. Dorr touched the cannon off. Couldn't tell what time Mr. Dorr left Burrington Anthony's house. Some said he had gone afterwards. Witness thinks there were fifty men who returned from the arsenal. There was no order purporting to come from Dorr for the troops to assemble at Chepachet. It was given by Major Allen. Knows of a request from Mr. Dorr for a board of officers to convene and consult about what was best to be done. Thinks they did not meet. The organization at Chepachet was to carry into effect the government under the people's constitution. The greatest number of persons under arms on the hill, including all who were subject to orders, was from 200 to 250 men. The men in the streets came and went as they pleased, as spectators. There were some artillery balls there. Many of them did not fit the guns. There were not cannon balls enough to supply the pieces more than fifteen or twenty minutes in an engagement. Witness heard a report from the captain of the artillery to that effect. Witness was in the marquee frequently. There were muskets and rifles in the marquee, that were not called for or used. They were lying scattered about there. Walsh and his men were subject to orders like the rest. They drilled and worked on the entrenchment. Good order and discipline were maintained. Saw no disorder or improper conduct among the men.

*Benjamin M. Darling*—Was on the plain before the arsenal on the night of the 17th of May, 1842. Witness arrived there from out of town just as the men were going out, and did not hear the reasons for going. Witness had heard that Governor Dorr would probably be arrested, and that he wanted his friends to come and protect him. Saw two cannon there. Had not been informed for what action they were there. Saw a flash, which was said to be of the cannon. Witness was distant from twelve to twenty feet. Witness did not go to Chepachet.

*Cross-examined*—Saw Mr. Dorr on the ground; was near him, as his aid. Got to B. Anthony's house late from Woonsocket, and was not in the council. It was a dark night, from a very heavy fog. A man could hardly be distinguished a few feet off. The men halted on the field. It was very still there. Mr. Dorr was near the middle of the whole force. The men scattered not a great while after they went on the ground. Some scattered immediately. Witness did not move from his place till the Pawtucket company left and marched off the ground. Witness then went to the rear, in order to inquire of Mr. Dorr why they left. Saw Dorr going about among the men in different parts of the field, to rally them. Dorr came up again. He gave the order to have the pieces withdrawn, after the attempt had been made to fire them. Saw the flash of one of the pieces.

Witness came off the field with Governor Dorr, and went down town to the Manufacturers' Hotel in the morning, to see about his horse, and to find the man who came in with him.

Witness, when he went to the rear, as he has before stated, went to ask Captain Dispean why he left the ground. Dispean said, in reply, he wanted to do something—could not tell what. When witness got back to Dorr, many others had left. Several passed him, on the run. Was there to obey orders from Governor Dorr. Don't recollect receiving any other order in particular from Dorr, than to go and see what was the matter with Captain Dispean. Dorr gave the orders for the attack. Did not make any report to Dorr. Recollects saying that Dispean's company had fallen back. There were forty or fifty men round the guns, at the most, when they were carried off the arsenal ground.

[The chief justice here remarked, that the object of the cross-examination thus far seemed to have been to establish the charges in the indictment, by proving the particulars, instead of denying them.]

Mr. Dorr hoped that the privilege would not be refused him of getting at the facts as they were, even if they should be against him in the opinion of the court.]

*John S. Dispean*—Saw Mr. Dorr at Providence on the 17th of May, 1842. He had a body of men assembled there with him in the afternoon. Did not see him take the command of them. Saw the men move from Burrington Anthony's house to the arsenal; thinks it was hard on two o'clock at night. Should think there were rising two hundred armed men who went to the attack: two companies from Woonsocket—one or two from Providence. Witness was frequently called for at Anthony's house. Some one would come and inquire for the Pawtucket company, and I would go in with Dorr. Sometimes he was busy with others, and sometimes not. The officers there were talking of their plans. They were talking whether it was best to make an attack upon the arsenal or not. Don't know what conclusion Dorr came to. Witness knows what conclusion he himself came to.

Mr. Dorr went to the arsenal to make an attack. This was his object. Did not see Dorr on the field while he was there. Does not recollect receiving any direct communication or order from him—though he might, as all sorts of communications were flying about. Did not see Dorr, or know he was on the field when witness got there, as witness's company was on the extreme left. Witness left his ranks, to ascertain how many men were there, and came back; did not meet Mr. Dorr. Witness considered every one as being for himself, and that he had no superior; ordered his company himself to fall in and march to the field. When there, he did as might have been expected where there was no military discipline. Witness returned to Burrington Anthony's house about sunrise. Saw Dorr there. Don't recollect that any conversation passed between them. Witness did not go to Chepachet. Received an order to go, that was left for him at his store; don't know by whom. An order was brought to him to go to Federal hill, before the affair at the arsenal. A man came to Pawtucket and told him he was wanted by Governor Dorr. Don't know the man. Witness went round and gave notice to his men, who were handy. Ordered them to meet at the National House in Providence. Went in himself about 4 o'clock in the afternoon.

[The order for witness to go to Chepachet, signed by the acting adjutant general, by order of Governor Dorr, dated June 24th, 1842, was produced, and admitted by Mr. Dorr to be correct; also, witness's commission as lieu-



tenant colonel of the second regiment, in the old and usual form, dated the 5th day of May, 1842, and signed by Governor Dorr.]

The commission was left in his shop. Others saw it before he did; so that it became known that he had it. Was requested, when under arrest, by governor and council, to bring in those papers—meaning the order and commission—when he was out on parole, and he did so accordingly. His wife and child were sick, and he did so to get home.

*Cross examined*—There were 200 or 250 men at Federal hill before going to the arsenal. Witness went into the council of officers. Don't know who presided. Recollects that Dorr said that he was not much acquainted practically with military matters. Something was said about the propriety of Mr. Dorr's going out or remaining at headquarters.

Witness had ninety men in his company at first, mostly well armed; all armed with something or other. Witness might have received an order to come up to the arsenal that night from Darling; (Dorr's aid-de-camp,) but does not recollect distinctly. Witness did not know his own men well. When the arsenal affair failed, witness did not himself contemplate any further action; held the commission which has been spoken of when he was ordered to go to Chepachet; intended to accept this commission; would not have given it up, if he could have got his discharge from imprisonment before. Governor Arnold requested him to bring it in when he went home on parole. He gave it up, that he might get his final discharge. Hiram Chappell was in prison with him. Witness had conversation within the prison yard—having seen Chappell's examination before the commissioners published in the papers, in which he (Chappell) stated that he had plugged up the guns before they were carried out to the arsenal. Chappell then told witness that he did not plug the guns, but had said so in order to get his discharge from imprisonment. He said that seriously. The prisoners were blackguarding about the matter in the yard.

After witness withdrew his men from the field at the arsenal, he went over again to it. Did not meet Mr. Dorr. Witness met the guns as they were coming back in the morning. All witness's company went off the field before the arsenal when he did. There was some dissatisfaction among witness's men, because he marched them off without making more of an effort to join in the attack on the arsenal. This was the reason why witness walked over on to the ground, as he has before stated. If anybody be to blame for his men's marching off, it was not his men. They were willing to go wherever he would have gone.

*Willis Bowen*—Was in Chepachet, he believes, on Saturday, in June, 1842. There was an assembly of men in arms there. Was there but a little while. He judged there were from 150 to 200 men under arms. The troops were drawn up in a hollow square. Governor Dorr went into the square and delivered a speech. He had a belt around him, and the appearance of pistols. The men formed into square to hear his speech; can't recollect much of it. He stated that he came there for the benefit of the people, and that he would rather that his bones should remain on the hill than that the people should not have their rights. He went off the hill escorted; don't know by how many. He was attended, when he came on, by several persons; one of them appeared to be an officer. Saw there cannon, drums, fises, tents, and flags flying.

*Cross examined*.—Was a little deaf when there, from a cold, and the wind blew strong. Should think Dorr used the words before mentioned. Wit-

ness was there but a short time. Was two or three rods from Dorr, at the corner of the hollow square. When he went there, didn't know that there was disturbance there. Some of them had a notion that witness should not go away; but he went away. The sergeant of the guard (a man named Dean) was going to stop him. Witness saw no disturbance or disorder.

*Caleb E. Tucker.*—Was at Chepachet on Saturday, June 25th, 1842. Saw an assemblage of men in arms, cannon, tents, &c. Saw Governor Dorr there in the afternoon. He had a belt and pistols, and a small cane in his hand. The men were drawn up in order, and manœuvring about. The first I saw of Mr. Dorr, a man from Thompson pointed him out, and said the governor was a smart, portly-looking man. Heard him address the troops, who were drawn up in a hollow square. He said they were there for the purpose of protecting the legislature, which was to be there in a few days. He spoke of the rights of the people, which they were to defend. Could not say certainly whether he used the expression that he would rather leave his bones there, or not. He said he would rather stay there till cold weather, than that the people should not have their rights, and their Assembly meet. Guards were placed around the hill below, none upon it. Witness went down to the tavern. He made no inquiries as to their object. He went on the hill to see the governor. Don't recollect particularly anything being said about making an attack.

*Cross examined.*—Witness asked no leave to go on the hill. There was no objection made to his going. He was within ten rods of Dorr when he made his remarks. Saw Potter there; this was about 4 o'clock. Has an impression that he heard the words he has mentioned, that he would rather leave his bones there. Should rather think he didn't get this impression from a newspaper. The men whom he saw there in arms were rugged, hard-handed people, farmers and mechanics. Some visitors were from Thompson, and his conversation was mostly with them. There was perfect order on the hill, and the same in the village. There were two men from Connecticut, apparently visitors, not armed. There were perhaps 200 men under arms. The meeting there corresponded well with military trainings generally. The order was as good as at a general muster. Witness saw one or two not quite sober at the tavern.

#### THURSDAY MORNING, May 2.

*Darius Hill.*—Repeats the statements before made respecting the assemblage of armed men at Chepachet. Witness understood from those there, that Governor Dorr was to convene his legislature there on or about the 4th of July. Hardly thinks the men on the hill were the members of the legislature. Don't know what the cannon were put there for, except for protection. They were pointed so as to command the road from Providence. Saw many things that looked as if they might, with a little help, go into the cannon. Witness left there on Monday afternoon between 4 and 5 o'clock. Was among the armed men. Left on his own business; had corn to hoe, and cows to look after. Heard there was a body of men coming up that way, under a pretty slow progress, from Providence. Did not understand for what object. The people on the hill were under the command of Major I. B. Allen during the first part of the race. Didn't hear Dorr give any command. Should suppose in his own mind that Allen acted under Dorr. Witness didn't suppose that he himself acted under anybody's command; he considered himself a nation by himself. Didn't interrupt

Dorr to ask him what his intentions were. Heard but few words of his address. Heard orders that purported to have been issued by Dorr; and understood from the officers that the orders for the movements on the hill were by authority of Dorr.

*Cross-examined.*—Was there the 25th, 26th, and 27th. If his recollection serves him right, was not there the 28th. Don't know what flag was there, or what time the State troops got there the next day. Witness resides four miles west of Chepachet. Is a small farmer. The men on the hill were principally of that class, and mechanics—those whom he knew.

*George B. Aldrich.*—After passing Mr. Dorr in the road, in a carriage going out of town, as he thinks at about half-past eight in the morning of the 18th of May, witness proceeded into Providence, and went on Federal hill, where he saw about 40 or 50 suffrage men with cannon. One or two went on the hill with him. The number of men with the cannon were decreasing while he was there.

Was at Chepachet Thursday, Friday, and Saturday, in June. Saw Dorr on the hill there on Saturday. Did not hear him address the troops. Some of them were drilling. Saw him walk about on the hill. (Witness was reluctant to repeat the conversation between himself and Mr. Dorr, lest it should commit himself; but was told he must proceed.)

Witness went on: Mr. Dorr said, that if he had had his way, the embankment would have been thrown up in a different manner. Mr. Dorr said he gave no orders to Major Allen to call the people together at the time when they were called. He said that the breastwork was not well done. Understood he came there upon the information given him by Major Allen; Dorr did not say so. Witness went with Major Allen from Woonsocket up there. They went there to protect the legislature that was to meet there the 4th of July; and that was the purpose of the greater part of them. Witness went because the rest did. Major Allen seemed to be commander. He gave witness some orders, which he did not obey; and witness did not hear Allen give any orders coming from Dorr. Heard forty reports about the charter troops coming there; sometimes they were at Greenville, sometimes within a mile, and sometimes at Scituate. Witness went on Saturday night about sunset. There were armed men scattering all the way up and down in the village. Saw two men who drove up to the tavern ordered out of the carriage by armed men. Can't say that he saw any one under restraint as a prisoner; can't say but he did. There were a good many things carried on—some manœuvring, some firing. Saw a lot of old iron there. Expects likely they were going to put it into the cannon. The cannon were on the south side of the hill, pointed southerly.

*Cross examined.*—There was no fort at Chepachet, only a line along one side of the hill about four feet high. They mowed a quantity of brush, put that in the middle, and covered it with dirt. Witness works at farming when he does anything.

*General Jedediah Sprague.*—Lives in Chepachet. Keeps the hotel there. Kept it also in 1842. Heard that it was Governor Dorr's intention to come to Chepachet the night before he came. Don't know that he knew before of his intention to return at all. Witness was at a meeting at Woonsocket about the 1st of June. He heard there was to be a military parade there, and found a meeting of officers. Military movements were discussed at this meeting. An organization of the military was the intention. Under-



stood that the organization was for improvement in tactics. The ultimate object was not stated. D'Wolf was there; he might have been the chairman. Constock, Allen, Potter, and Dean, were also present. It was proposed to raise a subscription to purchase a piece of ground for the suffrage association to use as a parade ground. Witness has heard letters read from Mr. Dorr; may have heard them in some meeting, or they may have been read to him individually. Cannot speak positively, or recollect the particulars of the letters. Did not understand whether Mr. Dorr was coming or not to take command of the troops. Was not surprised when he heard Mr. Dorr was coming. Thinks it was anticipated, and that he would return. Witness does not say whether Mr. Dorr was commander-in chief, or not. He took rooms at his house; and was sometimes there, and sometimes on the hill. During the time Mr. Dorr was there, the military officers from the hill were occasionally inquiring for him, and went and talked with him. Witness saw no action on the part of Mr. Dorr, nor, in fact, on the part of any one, as he was not much abroad. Soon after Mr. Dorr came, thinks he heard him say that he knew nothing of the assembling at Chepachet, and of what was going on, till shortly before he arrived. Thinks he said that he was going to convene the legislature there. That matter was understood long before assembling of forces. The presumption was, that Mr. Dorr would be there. Heard it expressed that the object of the troops was to protect Governor Dorr and the legislature; never heard from Mr. Dorr that it was his intention to go to Greenville and attack the charter troops. Witness thinks he heard something of the kind said. Mr. Dorr left Chepachet about sundown on the 27th of June. Didn't see him when he started. Conversed with him about leaving. He expressed his intention of going, because he was not sustained by his friends. He meant that he was not sustained in calling the legislature, and in carrying into effect the people's constitution. He said it had become evident that he was contending against his friends and enemies, and must overcome both to effect the object contemplated. Others advised him to leave. The citizens of the place came to the conclusion that this was the best course. Heard that there were large forces of the government troops to be marched there. Heard of the expectation of assistance from abroad. Heard some of those at Chepachet say that they expected it from New York. Believes Walsh quartered on the hill. Saw the troops marching in the streets a number of times. On Thursday, when the guard from Chepachet returned to Woonsocket, others returned with them. From that time witness was most of the time in the back part of his house attending to his visitors, but saw troops occasionally in the street. Guards were stationed around his house after the charter troops arrived.

*Cross examined.*—When Governor Dorr arrived at Chepachet, he was accompanied by citizens of the village and town. No person from out of the State was with him, to witness's knowledge. There was a guard at the house after Mr. Dorr came. Recollects of hearing that a meeting of military officers was desired by Mr. Dorr, before he came, to discuss what measures were proper to be pursued before a call should be made on the people. Does not know of this counsel being held. Witness understood Dorr to say that he was not apprized of what was going on at Chepachet until shortly before his coming there; that the gathering at that time was without his orders. Witness understood that the military force collected was for the purpose of protecting the people's legislature. Heard that some

of the men were desirous of going to Greenville to attack the charter forces. It was an anxiety on their part. The disbandment took place on Monday, June 27th. Witness understood, some time before the final order was sent out, that a disbandment was to take place. Heard the order read before it was delivered to the commanding officers. Don't know when it was read on the hill. There were various rumors of the approach of the opposite forces. They arrived the next day, the 28th, about breakfast time—say 7 to 8 o'clock. Mr. Dorr left Chepachet one or two hours after the order to disband was given. Don't think it was half an hour from sunset, either way, when he left.

Witness recollects that Mr. Dorr called on the people to support him. Couldn't say that there was any proclamation to that effect. It is his impression that there was. Witness knows nothing of what took place in the council of military officers that was held for consultation, except from what he heard. He knew that such a council met. The result was the disbandment of the troops. Walsh and a few men were there from New York. Reports came on Wednesday, the 22d of June, that an attack might be made on Chepachet from Providence. The people of Chepachet thought they might wish to arrest the lieutenant governor and some of the representatives. Expresses arrived there in the night, stating that many people were leaving the city in the direction of Chepachet. Some of the citizens went out on the road to ascertain. The patrol first arrested Shelly and Keep, afterwards Harris and Peckham. The cause of the arrest was an expectation of men coming from Providence to make the attack, and the suspicion that these were among the first. Saw no harsh treatment of them at his house.

Governor Dorr on Saturday requested him to close his bar-room, that there might be no disorder in the village. The request was complied with, and the bar-room was kept closed. The troops were very orderly, quiet, and peaceable at his house. The troops were principally farmers from the country towns. There were some Providence men among them, but not many of them answered the call. Witness knew a great many of the troops personally. They were men of good reputation.

Witness understood there were two or three instances where private property was interfered with by some of the men—three instances: a horse was taken, used, and afterwards returned; a cow was taken for food, this was paid for. Witness saw Mr. Dorr pay for a part of it. Some boards were taken, which were afterwards burnt on the hill. Witness knows that these acts were contrary to the orders of Governor Dorr. His orders to his men were, that private property must be strictly respected.

[Mr. Dorr here asked the witness if the village of Chepachet was not the next day sacked by the charter troops, (he replied, yes;) how those troops compared with the suffrage troops in point of sobriety, &c.; and whether witness's property was or was not appropriated by the charter troops. The attorney general objected to this inquiry, and the court overruled it, saying that only such questions could be put as were relevant to the issue on trial.]

*Dutée J. Pearce*, recalled.—Went to Chepachet on Sunday, 26th of June; arrived there about 12 o'clock. Saw Mr. Dorr at Sprague's hall, presiding in a council of officers; don't recollect any one but William H. Potter. Mr. Dorr was occupying the seat usually occupied by a chairman; the officers were in chairs or on benches on his right and left. Witness stopped a moment, and Mr. Dorr said that it was a meeting of officers, and called wit-

ness to his room. Mr. Dorr talked awhile with him there, and went out, and came in again. Witness urged upon him the necessity of disbanding his forces, and stated the force which, he was well assured, would come against him. Mr. Dorr gave no assurance that he should do so. He said he came there for the purpose of acting under the constitution which he had sworn to support; that he had the same right to use force, for the purpose of supporting that constitution, that others had to bring force to put down the government under that constitution. Witness told him it was altogether idle to expect that legislature (the people's) to organize again; that a great many of its members had resigned; and that witness did not know one that would meet there in pursuance of any call from him. Witness further stated that the charter legislature had adjourned from Newport on Friday, and that their very last act was to pass a law calling a convention, under which all could vote for delegates; and that this measure had tended, in a great measure, to allay the excitement; and that many of those who were his friends were quite willing to accept this proposition as a compromise of the difficulties. There was present at this time S. Potter, jr., of Providence, who confirmed witness's statements. Witness mentioned to Mr. Dorr that he saw many of the most ardent friends of the suffrage cause in the ranks of the charter troops on Saturday. Among others, he mentioned Mr. Emmes of Providence, which seemed to strike Mr. Dorr with astonishment. Witness thinks he mentioned that there was to be a meeting in Providence that evening, at the call of Mr. Wales, for the purpose of settling the difficulties, and satisfying Mr. Dorr that he should proceed no farther. Mr. Dorr asked witness if he saw the review of State troops on Saturday. Witness told him he saw them pass his boarding-house; they were said to be 2,300 strong; witness should judge that there were at least 1,500 of them well armed. Witness also stated that additional forces to the number of 500 or 600 were expected from Washington and Kent. Mr. Dorr asked if he was to be attacked that evening. Witness answered that he thought not; told him that it was the intention of the most influential charter men to adopt such a course as would prevent bloodshed; witness thought there would be no attack till Wednesday. The object of the State government was to send out troops to cut off his resources; so that if he remained there till Wednesday, retreat would be impossible. Mr. Dorr appeared to be under a misapprehension in regard to these forces; he was under the belief that, when they started from Providence, enough of his friends there, who had not come out, would hang upon their skirts, so that, when they reached Chepachet, they would be inefficient. Mr. Dorr said he was there to sustain the government of which he was the head, and which he had taken an oath to support. Witness had not the slightest idea that anything that was then said to him would have the least effect in inducing him to leave, and witness so reported in Providence after his return. Mr. Dorr said little—showed distrust—and did not believe witness's statements or conclusions to the extent represented to him. Witness talked at Chepachet mostly with the citizens and the guards. Witness asked Mr. Dorr how many armed men were there; he gave no definite answer; witness got the impression that there were 300 or 400, and more were coming. Witness does not think that Mr. Dorr expected foreign forces; he judged so from what Mr. Dorr had said previously—that he intended to rely upon the people of the State, and rejected the idea of any force from abroad, except upon the contingency of the United States interfering. Witness heard the



men say that they would defend themselves. Did not hear that they intended to march to Providence. Knew beforehand that there would be an attempt to reorganize the government under the people's constitution on the 4th of July, and that, being driven out of the city of Providence by force, the General Assembly would be convened at Chepachet; saw Dorr's proclamation to that effect, in manuscript, lying open on his table. Witness told Dorr, also, that an application had been made to the President of the United States by the charter government, which would probably be answered favorably on Tuesday following, and that then the United States troops would be brought against him; that Colonel Bankhead was waiting in Providence, probably for further orders. Witness stated also the rumor that Bankhead had been out in disguise and reconnoitred Dorr's camp. Dorr asked who was in command of the State troops. Witness told him General McNeill. He said it was strange that he should be in such a place, (referring to General John McNeil, formerly of the army, and then in the Boston custom-house.) Witness told him it was not the New Hampshire general, but the McNeill connected with the Stonington railroad. He expressed himself astonished, as he had lately been advising with him about his rights and movements in Rhode Island. Mr. Dorr did not say whether McNeill's advice was to dissuade him or not from an attempt to establish the government.

*Cross examined.*—Witness has the impression that Mr. Dorr said he had nothing personal in view, but came there to discharge his duty as a public officer. Saw no disclaimer in the newspapers, on the part of suffrage men, of Mr. Dorr's proceedings, but knew that individuals had come out and disclaimed any farther support of the new government. Mr. Dorr asked if he (Pearce) had resigned his seat in the people's legislature. Witness replied, that when he was arrested and gave bail, he necessarily vacated his seat. In this opinion he was confirmed by Mr. Atwell, and by Mr. Dorr, who said he didn't see how witness could take his seat again. Witness made the same statement, as to his having vacated his seat, before the supreme court in the county of Washington.

Dorr did not treat him cordially, but politely; the statements to the contrary in the newspapers were without foundation. The conversation was carried on mainly by Dorr's questioning him and his answering. Dorr got a great deal more than he gave. He stated that he had called on the people for support, and had issued a proclamation to that effect; but that the support that had been promised had not come. Witness recollects of telling Dorr that Major Power was taken; and his reply was, then "my sword is gone." But Major P. did not obtain it. Witness didn't go on the hill at Chepachet.

Witness reported, when he returned to Providence, that he supposed there were 400 men, 300 of whom were well armed, and 100 indifferently; and that there were besides, 200 men in the village; whether they belonged to the force, could not tell. This was the best judgment he could form. But these statements were only a matter of opinion. Just before witness left, W. H. Potter called out from the step of the hotel, that all who were in favor of Gov. Dorr would form a procession. They fell in two and two, and 200 or more went toward the hill.

Witness passed two guards on the road; and at Farnum's, two or three miles from Chepachet, saw men with side arms, and supposed them to be a reconnoitring party.

Mr. Dorr made no report to witness of the number of his forces. He was very evasive on that point. Some of the men requested that I should report in town the number as high as possible. Witness came to the conclusion that they were short of provisions. Heard one say to the other, we can get pork enough at Woonsocket. Does not mean in any unlawful way. Witness was no wiser when he left Chepachet than when he came, from what Mr. Dorr told him. Saw men marching there. Had heard it rumored before he came that there were Irishmen there, but didn't see any if there were any there; nor any that he knew from abroad.

Understood that if the charter troops came out to put down the government of which Mr. Dorr was the head, that he should have felt authorized in resisting with what force he had. Never heard him say that he should call for foreign aid, except in case of the interposition of the United States in our affairs. Witness heard in Providence that aid from the United States was confidently expected in Providence; Gov. Francis and Mr. E. R. Potter told witness so. Witness does not know anything about Col. Bankhead's going out to Chepachet, except what he heard. He heard from both sides that Bankhead came out to Chepachet to examine Dorr's ground.

Dorr asked who had command of the State troops; he told him Gen. McNeill. Dorr said it could not be Gen. McNeil who was an officer in the Boston custom house. Witness said no, the superintendent of the railroad. He was much surprised, and replied that a short time before he had been in friendly conversation with McNeill about Rhode Island affairs, and derived the impression that he was friendly to him and the cause. Witness didn't understand that there was any correspondence between Dorr and McNeill. Understood that this referred to a personal interview. McNeill belonged to the same party with which they acted, and was supposed to be a friend to the suffrage cause. Thinks McNeill sent an order for cars for the suffrage friends at the Stonington depot. Witness was not present at any of the addresses delivered by Mr. Dorr in New York.

*Laban Wade.*—Was on Federal hill on the night of the attack on the arsenal. Saw the armed men march to the arsenal, and Mr. Dorr with them. Did not hear him give any order. Saw him at two or three different places on the plain. Saw the cannon touched and flash. They were pointed toward the arsenal. Cannot say that I recollect hearing the order given to fire. Witness's object was to take the arsenal, and presumes that all had the same intention. Was at Burrington Anthony's house.

Witness was also at Chepachet as early as any of them. Went away on Monday. Mr. Dorr was there. I considered him the governor of the State, and presumed he had the command of the acting commander. Thinks he saw Dorr on the hill. Saw him at Sprague's tavern, the headquarters. There were arms and munitions of war at the hill. Witness's object in going to Chepachet was to support the people's constitution and the Assembly there. He contemplated to fight as hard as he could, if attacked. Didn't contemplate attacking anybody. If ordered by Gov. King to disperse, should have dispersed *if he had been obliged to*. Heard that troops would come to attack them. That did not cause the dispersal. The reason I dispersed was, because the rest went away and left me. The disbandment was in consequence of an order from Gov. Dorr made up in a council of officers. Witness saw the cannon twice attempted to be fired at the arsenal. Can't say if the attempt was made again. Witness never received any order to go to Chepachet. Don't know whether there were orders issued. Lives at



Woonsocket. Two companies went over from Woonsocket, with their officers.

*Cross-examined.*—Saw Gov. Dorr at two or three places on the arsenal ground. It was so dark from a heavy fog, you couldn't see anything unless you felt of it first. Couldn't see how the men were situated there on the ground. Thinks they became scattered shortly after going there. A portion of them retreated and marched off soon after going on the ground; can't tell how many—should think nearly half. Can't tell how many marched there. The last he saw of Dorr there was after daylight, and before sunrise. He was near the cannon. They were being dragged off. The men had all left when he came off the field. Don't know who fired the gun. It was not Dorr the first time, for I stood within two feet of him. Before the second flash, witness went a little from him. Did not see him go to the gun. Couldn't say whether he did or did not. Witness was returning toward the gun when he saw the flash. Gov. Dorr had a glazed cap, frock coat, and white sword-belt. Didn't see anybody wave the torch. The man who touched the cannon was a fair sized man. The men at Chepachet were good hardy fellows—farmers and mechanics. The company he went with were mechanics.

*Nelson Maron.*—Mr. Dorr was present on the ground and at Federal hill, where they were making preparations to attack the arsenal. The men were in squads on the plain. They marched there in regular order. (Witness then went on to relate what he saw, as has been before stated by others.)

#### THURSDAY AFTERNOON, May 2.

*Colonel William H. Potter, (acting adjutant general at Chepachet.)*—Was at Federal hill at the time of the preparation to attack the arsenal. The object of the assemblage was to take it. They went over to the field about midnight. Witness does not know whether any signal guns were fired; was up towards the arsenal at the time the troops marched. Saw Mr. Dorr on the field, and considered him the commander-in-chief of the State. He was the commander there. Did not know what was intended next, if they should take the arsenal.

Was at Chepachet. Did not know that Governor Dorr was coming there till the night before. Saw a letter from Mr. Dorr; does not remember the purport of it; heard it read at a meeting of officers at Chepachet; Mr. Newell read it. This was before Dorr came.

Attended the meeting of officers at Woonsocket, which has been spoken of, two or three weeks before the affair at Chepachet. Colonel D'Wolf was chairman. The object of that meeting was to find a place for the organization and discipline of the militia. The object of the organization was to carry into effect the people's constitution against all opposition. If assaulted, they intended to defend themselves against the forces of the State, or any other forces. The officers adjourned to meet at Chepachet. Gen. Sprague was appointed a committee to select a piece of ground suitable for military exercise. Sprague, Comstock, and others, were present. No letter from Mr. Dorr was read there, according to witness's recollection. Cannot swear whether the meeting was held with the consent of Mr. Dorr or not.

The next time witness saw Governor Dorr was at Killingly, Connecticut. Does not know whether any one was in the room when he went in or not; 15 or 20 went into the room with the witness to see Governor Dorr. Did not see Walsh there. Saw him first at Chepachet. Mr. Dorr came down



with them to Chepachet. Colonel Newell gave the information that Governor Dorr was in Killingly. It was expected that Mr. Dorr would come to Chepachet. Some officers were appointed by Mr. Dorr before he came, and after. Colonel D'Wolf was appointed next in command to himself, with the title of general. Witness did not hear Governor Dorr's speech at Acote's hill, or hear him say anything about attacking the forces at Greenville. Some 40 or 50 of the men wanted to go and see what they were made of at Greenville. Does not know what they might have done before they got back. If the charter forces had made an attack on ours at Chepachet, they would have been resisted. Heard of the charter forces being at Greenville on Sunday. There were six or seven cannon at Chepachet. Does not know where they or the ammunition were procured. Some of the powder was bought by the people at Chepachet. The object of the assemblage was to carry into effect the people's constitution by all means that might be necessary.

The greatest number of men in arms at Chepachet at any time was about 225. Was informed that the General Assembly had been convened there by the governor. The object of the troops was to support the General Assembly and the people's constitution in any way that might be required, and as should be directed by Governor Dorr upon consultation with his officers. Orders were issued in writing, by direction of Governor Dorr, to the people of the towns, (particularly in the county of Providence,) to assemble in arms at Chepachet; and these orders were sent a second time. (An order to Dispean, of North Providence, was here produced and verified as signed by witness.) Pikes were made for the use of some of the men; and there was scrap iron on hand for the purpose of loading the pieces. Believes Seth Luther was clerk.

*Cross-examined.*—Knows of an order issued to convene a council of officers, before the affair at Chepachet; Newell informed witness of it. Does not know whom it came from. They were requested to consider whether the people's constitution could at that time be put in force; to consider whether anything should be done, and, if anything, what. This council did not meet as requested. The assemblage at Chepachet was voluntary, and without orders; the men came from Woonsocket and other places voluntarily, with their officers. Information was sent to Mr. Dorr at Norwich. Does not know what it was. After Governor Dorr's arrival, a general call was made upon the people similar to the order to Dispean, and that call was repeated up to Monday. It was not replied to. There were as many men there on Sunday and Monday as on any day. The men were counted, by Governor Dorr's order, on Saturday. There were 200 or 225. After that, a detachment left the place and went home. Some went to Cumberland, and some to Slatersville; 60 or 70 left. Witness does not know by whose request they returned home. The men were counted a second time by Mr. Dorr's order. The number did not exceed 225 at any time—that is, this was the number of men armed and under orders. They were mostly farmers and mechanics. The men about the village were unarmed and under no orders. No strict discipline was maintained on the hill until Monday. No man was pressed into the service. All who did serve, served voluntarily. Never heard of Mr. Knight being fired upon, as had been related. Witness acted as adjutant general. If it had happened, must have known it. Witness does not know of funds being provided to subsist the force. A contribution was taken up on the ground, and \$70 collected. There was

no depot of provisions on hand. There were some barrels of flour and beef remaining when the camp broke up, which would not have lasted four days. Part of the cannon balls would not fit the pieces. What would fit, would not have lasted more than fifteen minutes in an engagement. This fact was reported by the captain of the artillery. There was a report of an approach of the forces from below on Sunday evening, and preparations were made to receive them.

A council of officers was called on Monday. It was evident that there were not artillery, ammunition, and provisions enough, and that we were not sustained by the force that was expected. The enemy were said to be at Greenville and Scituate; there had been frequently such reports. It was reported on Saturday and Sunday night that they were coming. Witness does not know by whom the order of dismissal was taken to the ground. Should think the order was issued about 4 o'clock. But witness had no time to look at, and cannot speak certainly. Mr. Dorr left Chepachet about sunset. No person from out of the State was in Mr. Dorr's company when witness saw him at Killingly. All with whom he returned into the State were officers and citizens of the State.

*General William Gibbs McNeill.*—Being asked by the attorney general whether or not he had a conversation with Mr. Dorr shortly before his (Mr. Dorr's) return into this State in May, 1842, the witness stated to the court, that before he proceeded he should like to make a few remarks with regard to the circumstances of his being here. He said he appeared as a witness on this occasion most unexpectedly, most painfully, and most reluctantly. He had been summoned, had been permitted to leave the State, and had been recalled by a letter from the attorney general. He was now again within the jurisdiction of the State, and was bound to give his testimony. And this he was desirous of doing, on account of some insinuations contained in the testimony of Dutee J. Pearce, which slandered him most falsely and most foully. In the conversation which he had with Mr. Dorr, he was not a counsellor or adviser, except in opposition to him. Witness regarded this conversation as private and in confidence.

[*Mr. Dorr.*—I release you from all the honorary obligation which you regard yourself as being under, that you may relate all you know.]

Witness being in New York in May, 1842, and hearing that Mr. Dorr was there, called with Mr. Gailliard, of South Carolina, to pay his respects to him, at the Howard-house. A great many persons were present, none of whom he knew. Mr. Dorr introduced him to Mr. Slamm—much to his surprise, as he had always regarded him as a fictitious character. (Laughter.) Witness does not wish to be understood that he found Mr. Slamm other than a gentleman in all respects. Mr. Slamm informed him that Mr. Dorr intended to return to Rhode Island and enforce the constitution, which he regarded as valid. They conversed but little, and upon the question of the necessity of his so doing. Witness did not consider that there was anything serious in the matter. He asked Mr. Dorr, jestingly, who was to command his forces. Dorr walked up to him, and slapped him on the shoulder, and asked him, if he would not. Witness did not decline the offer, because he did not consider it as serious. All this passed in a few minutes. There was no debate on the subject.

It was remarked that a majority were in favor of this constitution; which witness has always denied, contending that there was no majority—meaning no legally ascertained majority. It was also stated, he believes by Mr.



Slamm, that they could have assistance from abroad, as many as 10,000 from New York, and 1,000 from other places. Witness left the house without an impression of anything serious being intended. With regard to the car, the next day, the last time witness had the pleasure of seeing Mr. Dorr, Burrington Anthony came to witness, and requested a car to run separately from Stonington to Providence. Witness acceded to his request; was censured for this, on the supposition that he had made an offer of this conveyance. The price was not specified. As witness had before remarked, this was the last day he saw Mr. Dorr; but he hoped that they might often meet again as friends, as before.

*Cross examined.*—(Mr. Dorr asked witness whether he intended to apply to him any of the remarks which he made before he commenced his testimony. Witness replied that he did not.)

In connexion with the aid from abroad, witness thinks it highly probable that something may have been said by Mr. Dorr about an expected interference on the part of the United States Government in Rhode Island affairs; but witness cannot now recall it. There were no enlistments spoken of as having been made. The language was general, that thousands would repair to Mr. Dorr's standard from sympathy in the cause. Witness believes they would have come after Mr. Dorr had got possession of the city of Providence. This opinion does not rest upon anything witness heard from Mr. Dorr, or upon any facts stated by any one. Witness only speaks from his general knowledge of the people of the cities, and from mixing with them all over the country. Sympathy would have been an inducement to them.

The conversation was hasty and general. Witness has not seen Mr. Dorr since, until to day, nor had he seen him before for some time. Witness had no communication in any way with Mr. Dorr after this interview, nor was there any concert or understanding between him and Mr. Dorr.—Witness afterwards held a commission from the authorities of Rhode Island as major general commanding in-chief. He was not a citizen of this State. Colonel Bankhead was not under his employ or command.

[The question being asked, whether other persons from abroad were not employed or engaged on the same side with witness, the court said it was improper.]

Witness afterwards understood that, for the part he had taken in Rhode Island affairs, he was liable to be attacked in the city of New York. He went immediately to the Pewter Mug to meet any assailants, but found no difficulty. He was not molested.

The attorney general here stated that all his witnesses had been examined, and that the prosecution would rest here for the present.

Alfred Bosworth, esq., then further addressed the jury in the opening of the case for the State; recalling their attention to the four counts in the indictment, charging the prisoner with levying war against the State, at Providence, on the 17th and 18th of May, and at Chepachet, in Gloucester, on the 25th and 27th of June.

The evidence, said Mr. Bosworth, exhibited the proceedings of a set of daring, worthless, desperate men, guided and directed by a leader who sought the bad eminence in which he was placed, with his eyes open, and warned of consequences, and who waged war on the sanctities of private life, for the accomplishment of his foul, ambitious, and nefarious purposes; to attain which, he was ready and willing to imbrue his hands in the blood



of his friends and relatives. At the arsenal, he was prevented from succeeding by the treachery of one of his men, and by the desertion of others; but not until, descending from the honorable place of a commander, he had attempted with his own hands to light the torch of civil war against his relations and fellow-citizens. After having committed such atrocious acts, he escaped from the State.

Mr. Bosworth then went on to describe the session of the people's legislature at the foundry. The prisoner there took an oath as governor of the State, and exercised the duties appropriate to such a station. He issued military commissions, giving power to expel, kill, and destroy the inhabitants of the State. The General Assembly also performed the part of a legislative body. They assumed to exercise the authority of a legislature. Postponing the choice of judges, they proceeded in the election of military officers, and passed divers acts and resolutions. All which indicated most clearly in all of them a deliberate, wicked, and malicious intent. They knew what they were about; they acted with their eyes open, and the consequences are upon their heads.

After remaining a short time abroad, in the capacity of an extra-territorial governor, and obtaining assurances of aid in his nefarious designs, the prisoner returned again into the State, still bent upon his wicked object, and urging on others to carry it into effect, even at the sacrifice of life—willing, as he said, to leave his bones on the field, and calling on the people to stand by and support him. But, fortunately, he was not supported by his friends, on whom he called in vain. A formidable force was sent to break up his encampment; and, when all hope of success had vanished, and he had nothing left to depend upon, he again fled—thereby manifesting a sense of guilt, and a conviction that he was a wrong-doer, who felt no confidence in his cause; for, if he had been animated (as it has been pretended) by a sense of duty, he would have remained to receive the justice that was due, and which he could have no reason to fear if he were not guilty.

Mr. B. then reviewed the testimony bearing on the particular overt acts, and concluded with remarking that the evidence was so clear, positive, and direct, that the jury could not hesitate, and “must pronounce the criminal guilty.”

#### FRIDAY MORNING, *May 3.*

Dutée J. Pearce said he wished to make a few remarks, in consequence of what had fallen from General Wm. G. McNeill. Mr. P. said that he had given a correct account of his conversation with Mr. Dorr at Chepachet, and derived from Mr. Dorr the impressions concerning General McNeill which he had stated. The misapprehension arose from the words which he (Mr. Pearce) had related as having been used by Mr. Dorr at the interview at Chepachet, concerning the *time* when he (Mr. Dorr) had last seen General McNeill. Witness had said that Mr. D. used the words “a few days” previous. He might have said “a short time” previous.

Mr. Dorr here said that Mr. Pearce made his visit to Chepachet on the 26th of June, and his (Mr. Dorr's) interview and conversation with General (then Major) McNeill was at New York, on the 13th or 14th of May preceding. Mr. Pearce had made an error in stating that he (Dorr) had mentioned this interview as having taken place a few days previous. He had spoken of it to Mr. Pearce as having occurred not long, or a short

time, ago. He (Mr. D.) had had no interview, conversation, or communication with General McNeill since the 15th of May. General M. was of the same political party with Mr. D. in general politics; and he heard nothing from General M. at New York to contradict his supposition as to General M. being friendly to the suffrage cause and its success in Rhode Island.

#### THE DEFENCE.

George Turner, esq., here opened the defence. He stated that a denial of the facts (as they really occurred, and not as they had often been falsely represented) would form no part of it. The defendant takes higher ground than this. He does not shrink, here or anywhere, from the avowal of his actions. The defence is, that Mr. Dorr was elected by the people governor of the State of Rhode Island in April, 1842; and that he was so elected under a rightful and valid constitution, adopted by a large majority of the people. This is the main point. Mr. Turner then read all his points, as follows:

1. That, in this country, treason is an offence against the United States only, and cannot be committed against an individual State.

2. That the 4th section of the act of Rhode Island of March, 1842, entitled "An act relating to offences against the sovereign power of the State," is unconstitutional and void, as destructive of the common-law right of trial by jury, which was a fundamental part of the English constitution at the declaration of independence, and has ever since been a fundamental law in Rhode Island.

3. That that act, if constitutional, gives this court no jurisdiction to try this indictment in the county of Newport—all the overt acts being therein charged as committed in the county of Providence.

4. That the defendant acted justifiably, as governor of the State, under a valid constitution rightfully adopted, which he was sworn to support.

5. That the evidence does not support the charge of treasonable and criminal intent in the defendant.

Mr. Turner said that, before making any comments, he would call the witnesses for the defendant, who had been long detained here, and were anxious to return to their homes and business.

#### *Witnesses for the defendant.*

*Henry S. Hazard*, recalled.—Stood at the door of the arsenal when Colonel Blodget came to the door on the night of the 17th of May. Saw men with the pieces in the lower story; but cannot state whether the plan was to defend both stories or not, except from what has been said here by the witnesses.

*Colonel Charles W. Carter* (summoned by the prosecution, but not examined)—Witness was present as an officer of the escort, in the procession of the General Assembly from High street to the "foundry," on the 3d day of May, 1842. He saw no person in the procession unusually armed, or having large canes, sticks of wood, or anything of that sort. The object of this assemblage was to organize the government under the people's constitution. In the afternoon, Governor Dorr ordered the city troops, in which witness was an officer, (a lieutenant in the 4th ward volunteers,) to be

in readiness for the next day. The next day witness called on Governor Dorr to ask him for what service they were wanted. He replied, that he regretted that his purpose of taking possession of the State-house and of the public property was defeated by the opposition of the House of Representatives. He (Mr. Dorr) thought this was the right course, and was in favor of it.

Before we went out to take the arsenal, or to attempt to take it, there was a meeting of military officers at Burrington Anthony's house, at the request of Governor Dorr, to consult about the steps to be taken. Some thought it would be better to march into the city first, before going to the arsenal. The majority were in favor of going to the latter; and the opposition was waived. After hearing the views of the officers, Governor Dorr gave the order to march to the arsenal, which contained the State arms. Witness supposed the soldiers then would follow Governor Dorr wherever he might lead them; this, at least, was witness's determination.

Several of the officers suggested to Governor Dorr that he had better remain at Anthony's house, with a guard; witness was one of them. Gov. Dorr replied, that he had often publicly stated, and at the town house, that when danger should happen he wished to be found anywhere but in the rear; that he should be as good as his word, and would not send others where he was not willing to go himself. Mr. Dorr went out in the centre of the column; witness was near him; Henry A. Kendall was on one side.

It was a very dark night, in consequence of the heavy fog and mist; it was difficult to distinguish anything a little distance off. The night was not chosen because it was dark; the fog came up late; it seemed like an interposition of Divine Providence.

Witness counted the men in sections before they started to go out, and found 234 in all; although the number had been represented by some as larger.

Witness saw Governor Dorr on the field, doing his duty as an officer, and attempting to rally and bring up the men. The two artillery pieces, six pounders, were loaded with round shot—balls.

Colonel Wheeler, the chief officer of the force, after the men had been halted, called on witness to carry a flag of truce to the arsenal, and demand the surrender of it. Colonel Wheeler told him to say to Colonel Blodget, who commanded the arsenal, that there was force enough there to blow them all to hell. Witness replied he should say no such thing, but should say what was proper on such an occasion. Colonel Blodget has given a perfectly true account of what took place when witness went to the arsenal with the flag. Witness went up to the lines, and called for the corporal of the guard. He was asked "who's there?" He replied "an enemy," having in his hand a sword, with a white handkerchief upon it for a flag. Colonel Martin then carried him up to the door. Witness made a demand for the surrender of the place in the name of Colonel Wheeler; but immediately thought that it should be made in the name of Governor Dorr, and corrected himself. Colonel Blodget answered that he knew no such persons, and should defend his post. Witness then went back and saw Colonel Wheeler. Said Wheeler, "What did he (Blodget) say?" "What did he say?" witness replied, "what the devil should he say, but that he should defend the arsenal?" Witness then turned round, and looked toward the other end of the line; and, when he looked back again, there was no Colonel Wheeler to be seen; he had gone off in the fog. Witness then



went after Governor Dorr; and both he and the governor then looked for the colonel, but could not find him on the field. Governor Dorr then ordered witness to take command of the artillery, which he did.

Just at this time witness saw Captain Dispean, with the Pawtucket company, going off in the rear. Witness asked him where the devil he was going. Dispean replied, "There is danger here." Witness asked him how the devil he expected to go to war without getting into danger.

The men were then ordered into line, the guns were placed in position and pointed at the arsenal, and the right gun was touched; it flashed, but did not go off. The left gun was also flashed, and primed again; and was flashed a second time without going off. The first gun witness believes was touched off by a man named Andrews, the second by a Mr. Hathaway. Governor Dorr stood in the rear of the guns. He did not have a torch in his hand that night, or apply a portfire or torch to either of the pieces. Witness commanded them; stood close by them all the time, and is sure that Governor Dorr did not attempt to fire them. Witness has heard the testimony of Orson Moffitt, that he saw Governor Dorr swing a torch and flash one of the pieces; and knows that, in saying so, he has testified what is false. Witness gave the word to fire the pieces by the order of the commander, Governor Dorr.

The guns were entirely unserviceable. The powder was old and poor; and, becoming damp, had hardened, so that the priming wire would not go down through it. The statement which has been made here, that the guns were plugged up with wood, or something else, is untrue. They were bored out in the morning, after they were brought back at Anthony's house, with a gimlet and rod, which was the only way in which they could be cleared. There were no plugs found in them; the substance was dissolved powder, which had hardened and become solid.

After the flash, the men began to scatter; so that soon there were hardly enough left to carry off the guns. Witness limbered one of them himself. Governor Dorr collected about fifty men to take the guns back. He went off with one of them, witness with the other; the rest of the men had left.

There were about fifty men who went back to the house of B. Anthony, on the morning of the 18th, and their number decreased. Colonel Wheeler having gone, Governor Dorr that morning appointed Levi Aldrich colonel, and several others in the places of those who had left. The signals were not answered; the men did not return to defend the headquarters, and it became necessary for Mr. Dorr to leave the ground, which he did at about half past 8 o'clock. Governor Dorr consulted with his friends, and showed witness a letter informing him that all the officers of his government in Providence had resigned, and that he could expect no support. He was advised to leave. This was my advice to him. Understood he left an order with Colonel Aldrich to fall back, with authority to dismiss his men. The colonel gave the order from the window.

Some time after Governor Dorr had gone, the charter troops, some six or eight hundred of them, came up. Twenty seven of our men remained. They fell back to the edge of the hill, stood by the cannon, and would not suffer them to be taken from them by force. They meant to go off with the honors of war. Mr. Anthony requested witness to give them up. Witness's intention was that they should be given up to the artillery company, to whom they belonged, according to the agreement when they were taken; and they were so given up the next day. Witness prevented a can-

non being fired at the mass of men when they were coming up the hill, by catching the match. After Governor Dorr had gone away, some one said something about a compromise with the enemy. Governor Dorr never mentioned any such thing. Witness never believed anything about this compromise. When Governor King and the sheriff came up, the men saw that there was no such thing. Witness called this the soft soap story. There was no man on duty among the soldiers on Federal hill who was under the influence of liquor, or intoxicated. The statement that any of the men were in that condition is untrue.

Witness was one of Governor Dorr's aids at Chepachet in June following. The average of the armed men there, composing our force, did not exceed 200; the men were coming and going as they pleased; the service was voluntary; a company from Cumberland went back on Saturday. Witness knew of none being taken up and compelled to serve. He took up one of his own men who was drunk, and kept him in the guard-house till sober; he was the only one whom he saw in that condition. There was no command exercised over the men about the village, and not much over the soldiers on the hill. Thirteen of the latter were from New York. Being in the confidence of Governor Dorr, as his aid, witness had frequent conversation with him. Heard him say that, in case the President of the United States interfered in the affairs of this State, he wished and expected assistance from other States; but witness never heard him say that he desired or expected any such aid to interfere between the two political parties of the State, and to strengthen one against the other. Mr. Dorr's view was, that if the people were let alone from abroad by the United States, they would take care of themselves; and if they could not maintain their rights, they did not deserve to have any.

There was a talk among some of the men, that if they got to Providence, they could occupy the colleges for barracks. Governor Dorr forbade all marauding. He ordered that private property should be everywhere respected. A couple of beef cattle were taken, but the one that was kept was paid for.

Governor Dorr said that the assemblage at Chepachet was premature for want of a consultation; there was no regularly organized force there; the organization commenced after they got there. A council of officers was held at Sprague's hotel, before whom the state of affairs was laid; witness was present. The opinion of the officers was given in favor of disbanding. Governor Dorr wrote an order to this effect, and General D'Wolf carried it to Acote's hill, and made it known to the men. Governor Dorr said that it appeared by a newspaper that had been sent to him, that many who had been just before our staunch friends in Providence, were now going against us and denouncing us; many had also expressed their satisfaction with the doings of the charter General Assembly. Governor Dorr said it made no difference how they went over to the enemy—whether from cowardice, or by base means; it had become evident that the majority were against supporting the constitution by arms; and if we remained there, we should have to contend as a faction both against friends and enemies.

The order to disband was given when the sun was three-quarters of an hour high. The soldiers broke up from the camp as men do at the end of a general muster, without any haste or disorder. Governor Dorr left Chepachet at about sunset. Witness went with him; there were no others except the driver of the wagon; they went to Vernon Stiles's hotel, in Thompson,



Connecticut. There were only three colored men on the hill, and they were in the commissary's department. Witness heard in Norwich that Eddy had some money there to procure ammunition. The troops dispersed immediately on being disbanded. Of some 600 men in Providence, who held meetings and agreed to come out into service when called for, only 35 came to Chepachet. Governor Dorr was informed that, when he should move to carry the government into effect, he could depend on 1,500 men, who were pledged to support him. He remarked at the disbandment, that if those who had been deprived of their rights would not fight for themselves, they were not worth fighting for.

Witness was present on Saturday afternoon, and heard Governor Dorr deliver his address to the troops; witness stood near him; he did not hear him use the expression about laying his bones on the hill, as has been stated. If he had used it, witness would have heard it. The flag under which we assembled was the standard of '76.

*Cross-examined.*—The guns which were aimed at the arsenal were unloaded after they were brought back to Anthony's house in the morning; they were loaded with round shot—with cannon balls. When reloaded, they were loaded with slugs. The guns were pointed quartering at the arsenal; thought it would produce a better effect than if the balls went plump on. The guns were as far apart as the width of the court-house. Saw the right gun touched, and went to the left. There were not more than a dozen men around them. About this time, they went away behind woodpiles, and somewhere else. After the return from the arsenal, witness remained outside at B. Anthony's house, rallying the men. Was not by the guns the whole time after they were brought back; saw nothing but powder when the priming was withdrawn. Didn't know when Governor Dorr was to return from New York. A man came to him and said Governor Dorr wished him to make some pikes. Saw the pikes when made, although he did not make them. The assemblage at Chepachet was to protect the people's legislature and the town against invasion. It was only a talk among some of the men, of going to Providence and taking possession of the colleges. There was no plan or conversation to that effect among the officers. Things did not admit of such a movement. Witness held himself ready to go anywhere that he should be ordered. Thinks he said something about preparing hot shot, to be used when necessary, as they are sometimes in war. Witness does not know of any aid being called from New York to act in any other case than that of interference by the General Government. Witness thinks he himself proposed taking the armories in Providence first, before they should attempt to take the arsenal. Governor Dorr wanted to take the arsenal, because it contained the State arms.

Saw Governor Dorr between the time of the Federal hill affair, and that at Chepachet. The plan was to procure men and ammunition, and to maintain the people's constitution and government by force, if necessary. Witness thinks he (witness) mentioned then, that they had tried to take the Warren guns. Governor Dorr might have approved of it; cannot speak certainly; does not think he disapproved of it. There were men about the village of Chepachet with arms. The men left the hill, at first, when they pleased; but that was stopped toward the last, and those who chose to become soldiers were required to stay. Two farmers, good men, came there and were going off the hill. Witness told them that they had better not; but one said he had six cows at home and one heifer that kicked very badly,



and thought they had better go home and see to them, as they had left there nothing but women folks. Witness made them leave their muskets behind. The men generally wanted to go to Greenville to attack the charter troops. The reason they did not was, the news from Providence that our party in town had given up entirely. Was not on the hill when the order to disband was read. Heard no proposition from Dorr to go to Providence and take possession of the colleges, or anything else. Never heard anything from Governor Dorr which carried the appearance that he was acting for his own personal interest. He was acting for the people only, and in their service; and if they had not abandoned him through cowardice, their government would have been this day in operation.

*John S. Harris.*—Knows where the votes given for the people's constitution now are, and of their being counted, and how many there are.

*The Attorney General* objected to the admission of any testimony on this point.

*The court.*—Such testimony is not relevant at all to the issue.

*Mr. Turner.*—A great deal of evidence has been offered to show that the defendant assumed to be governor of the State, and pretended to act under a constitution. The assistant of the prosecuting officer has laid great stress on this point in his opening to the jury. In the present stage of the case, we offer this testimony, for the purpose of explaining the motives of the prisoner.

*Mr. Dorr* said it appeared to him that he was entitled to this testimony, even supposing that all the proceedings in favor of the people's constitution, and to elect a government under it, were null and void. It went towards an explanation of his intentions, and to show what authority lay at the foundation of his acts, and that he had not risen up in the midst of the people as a usurper, acting of his own mere motion, and without law. It is certainly proper to claim a right to repel the charge of wicked and malicious motives in exercising a pretended authority, which has been so much dwelt upon by the prosecutor in the opening of the case. He (*Mr. Dorr*) was charged with usurping the duties appropriate to a governor of the State. Let us inquire whether this was or was not an unauthorized assumption. Let us look into the election, and beyond—at the votes for the constitution itself, at the formation and proceedings of the people's legislature, at his (*Mr. Dorr's*) recognition by the Assembly and by the people in his political capacity; and then it will be more easy to make up a fair judgment upon the character, motives, and intentions of the accused.

*Durfee, Chief Justice.*—The court rule, that, as evidence has been introduced very properly by the government to prove a conspiracy, it is for the prisoner to disprove that fact, but not to confirm it. It is not necessary, in order to be a usurper, that a man should set himself up alone, and pretend to act in any authority. In fact, he cannot do so but by the consent of large numbers. But such a conspiracy can give no authority by its numbers, and can excuse no one for the violation of the laws. No one knows better than the prisoner the maxim that ignorance of the law is no excuse for its violation. No crime can be permitted to be excused by showing that the prisoner acted under a mistake of the law respecting his natural rights. A prisoner might as well set up, to an indictment for robbery, the defence that he had a natural right to the possession of the property which he took from the person robbed. The evidence which the jury should consider is that which relates to the levying of war, and the part which the defendant

took in it. If the evidence prove this charge as laid in the indictment, then the jury should bring in a verdict of guilty; otherwise, of not guilty. The evidence offered will not prove the absence of the malice charged.

*Mr. Dorr* hoped not to be misunderstood in having it supposed by any one that he set up the defence that he acted under a mistake of law in supporting the rights of the people or his own. Very far from it; he claimed to be justified by having done what he had a right to do. But the testimony was offered in this stage to explain his motives.

*Staples, Justice.*—The evidence of the prisoner's intention can be of no importance. There is no pretence of any private malice on his part, and the law infers general malice to constitute the offence, if the facts be proved.

*Durfee, Chief Justice.*—All considerations of this kind are more properly presented after verdict, by way of mitigation of the sentence.

*Brayton, Justice.*—Understood that no evidence had been offered to prove special malice in the prisoner.

*Mr. Turner.*—Will the court have the goodness to state why testimony as to the "fiendish looks" and expressions of the defendant was allowed to be gone into? The opening counsel has indulged himself freely in harsh imputations against the defendant; and a great many things have been introduced here, which can have no other effect than to prejudice the jury against him. We ought to be permitted to remove all these prejudices, as we can if we be permitted to go into the whole case.

*Durfee, Chief Justice.*—The evidence proper for the jury is that which relates to the levying of war, and the part the defendant took in it.

*Staples, Justice.*—No evidence ought to have the slightest weight with the jury, if any such has been put in, to show any personal malice or feelings on the part of the prisoner. The evidence must go to prove the facts laid in the indictment; and upon these the jury must render a verdict of guilty, if at all.

The court rejected the testimony offered; and the defendant excepted to their ruling. At the request of the court, the motion to admit this testimony was reduced to writing, as follows:

"The defendant offers to prove, by John S. Harris, that a large majority of the whole male adult population of this State, being citizens of the United States, gave their votes for the adoption of the constitution commonly known and called the people's constitution of Rhode Island, in the month of December A. D. 1841; under which said constitution the defendant was elected governor of this State in the month of April, 1842. And this testimony he offers in this stage of the case, to repel the imputation of malicious motives and intentions, as charged in the indictment, and urged by the prosecutor in behalf of the State."

*Mr. Harris* then gave his testimony on other points. After the people's legislature broke up, Governor Dorr went to Burrington Anthony's house, and the next day to Mr. Bradford Allen's house, to meet a number of his friends; and was occupied in signing commissions, and in the business of the government. When this was done, he set out for Washington. He went there, at the desire of his friends, and in compliance with the vote of a large public meeting in Providence, for the purpose of making a true representation of our affairs to the President. Witness was not present at the arsenal, and had nothing to do with military affairs.

*Col Benjamin M. Darling*, recalled.—Was present at Federal hill in the procession on the 16th of May, and in the barouche with Gov. Dorr



when he addressed the people. The escort were arranged in a hollow square or circle. There were 375 armed men. The line of men extended nearly around the carriage. Witness did not hear anything said about the sword being dyed in blood. If any such expression had been used, he must have heard it, as he sat within three feet of Mr. Dorr, in front. Mr. Dorr said that it had been presented to him by the brother of an officer who died in Florida. He said it had never been dishonored, and never should be as long as he had it. Witness waved his sword, and gave the signal for a cheer. It was a loud and hearty cheer. Mr. Dorr stood on the seat while making his speech, and held up the sword when he was speaking of it. No such language was used by him, concerning the sword being dyed in blood, as has been related by Wm. P. Blodget and E. H. Hazard. Nor did he wave the sword. Witness did not look at Mr. Dorr all the time. His beard was very long, and he looked very dusty. Recollects Dorr's saying something about the 5,000 men, but not exactly his remarks. The whole proceedings on the hill lasted for about an hour. The address was not more than three-quarters of an hour long. The meeting was peaceable and orderly. Heard no threats made by any of them. Don't think any one could have stood within 20 feet, without distinguishing whether Gov. Dorr stood in a carriage or on a platform.

*Samuel H. Wales.*—Was on Federal hill in the procession when Gov. Dorr returned from Stonington. Mr. Dorr made no such remarks concerning the sword as have been stated here by Blodget and Hazard. The principal tenor of the speech was an account of his reception in New York. In reference to the 5,000 men, he stated that he was sure of aid enough from New York to paralyze any force which the United States might use against the suffrage party in this State. Gov. Dorr drew the sword and held it up. He said it belonged to an officer who died in the Florida war; and the brother of this officer had presented it to him. Mr. Dorr added, that it had never been dishonored in battle, and he hoped it never would be. Mr. Dorr said that he was willing to die with that sword in his hand, if need be, to sustain the constitution of the State. Witness stood very near the carriage, within five feet of Mr. Dorr, inside of the military. They occupied a large space around the carriage. Paid particular attention to the speech. Should have heard Mr. Dorr if he had used any such expression as testified to by Blodget, respecting the sword dyed in blood. Mr. Dorr appeared fatigued and covered with dust. The applause was very hearty, and might have been peculiar, as it was a dusty day. There was no ferocious yell, as has been described. The meeting was orderly, and soon broke up.

*Nathan Porter.*—Followed the procession to Federal hill. Gov. Dorr stood up on the middle seat of the barouche, in delivering his speech. He said it had been reported here that he had solicited 500 men from New York; that was a mistake; he could have 5,000 men, but he did not want them, except to repel the force of the General Government. Gov. Dorr drew his sword and held it up. He said it had belonged to a brave man who had fought in the Florida war; that it had never been dishonored, and never should be; that he had sacrificed all in the cause except life, and that he was willing to lay that down, if need be, in the cause of the people; that the sword had been used in the cause of the country, and he was ready to use it again, if need be. The appearance of Dorr was peculiar. His face was red, and he was very dusty. The wind was high and blew his hair about; his beard was long, and he looked haggard. Witness remarked to



some one by, that he never saw Gov. Dorr look so badly. He looked as one would who had been riding in the sun uncovered. Witness thought the speech was calm and dignified, and a moderate one under the circumstances. The meeting was orderly, and the cheer was a loud and hearty one, and seemed to come from warm and manly hearts. Witness stood very near Gov. Dorr. Has heard the statement of Blodget. Mr. Dorr used no expression of the sword dyed in blood or gore, &c.

*James Thurber, jr.*—Is acquainted with William P. Blodget. On Tuesday met him between here and the Park House, and passed the compliments of the morning with him. Spoke to him about the death of Major Power. He said, Yes, the old man was used up. Witness replied, Yes, and I see you were pretty much used up at Dedham the other day. He said they packed a jury against him, and thus convicted him. Witness said, Well, I do not know but they will do so here with Mr. Dorr. Blodget replied, I hope so, by God. Witness said, Two wrongs do not make a right. Blodget answered, I want to pay them in their own coin. He said he had heretofore wished Mr. Dorr convicted; but now he would do what he could, and he should not have been down here had it not been for this.

(Witness was going on to state conversation he had with E. H. Hazard in relation to Mr. Dorr's trial, but was stopped by the court.)

*Burrington Anthony.*—Was at home when the men returned from the arsenal. Gov. Dorr left about an hour before the charter troops came up. Witness did not say to Col. Blodget, as he has stated, that the men on Federal hill, at his house, were drunk. He may have said to him that they were much excited; but he did not mean by liquor. He offered them nothing to drink; and saw none of them at any time affected by it. Witness pledged himself to Col. Blodget and Gen. Gibbs, when the charter troops were at his house, that he would endeavor to have the artillery pieces restored that afternoon, as far as was in his power, but he had no command over the men. Witness saw a letter containing the resignation of the officers of the government put into Dorr's hands, at his (witness's) house. A great many of Mr. Dorr's men, who had returned to the house, had then gone away. Heard no firing. After a few men had carried the pieces back to the edge of the hill, the charter troops came up near them; and a match was then waved over a cannon pointed at them. At this they sprang aside against the fence, and all went down together. The piece was not fired.

Witness heard Gov. Dorr's speech delivered at Tammany Hall in New York, on the 14th of May. There were 5,000 persons in and around the hall. He expressly repudiated the idea of foreign aid, except in event of the interference of the United States in the affairs of Rhode Island. He said, as he had always said, that if the people of this State could not maintain their rights against the charter party, they did not deserve to have any.

Met Gen. Wm. G. McNeill in New York at the Astor House. He said he had seen Gov. Dorr, and had omitted one thing, and that was to offer him and his friends a car to go to Providence, provided that it should not interfere with the regular train. He requested me to step up to the desk, and write an order to that effect, and he signed it. He had always expressed himself as a political friend. Understood him then to be favorable to the suffrage cause.

Sheriff Potter must have been mistaken as to witness's requesting him to prevent the people without from firing. Witness did not use the language attributed to him. Asked Sheriff Potter if he had any objections to

the people's legislature sitting in the court-house. Potter said he had no intimation of his being superseded as sheriff, and should not relinquish the possession of it. This was on the day of the meeting of the people's legislature. Witness was not authorized by the vote of the house to take the State-house, or to use force. He was directed to ask for it.

*Capt. Josiah Reed.*—Was captain of the chartered United Independent Company of Volunteers of the city of Providence. Was on Federal hill in the afternoon of May 17th. A member and an officer of the old artillery company told him that the company were at the armory, and wanted us to come down and get their pieces—two six-pounders. Soon after, he was called into the house by the governor, and received an order from him to go down and take them. Witness went down with his company. Saw Col. Bennet, and demanded the guns in the name of Governor Dorr. He requested witness to file his men round at the back door where the guns were, and asked if he would wait about five minutes for the key, which was not there. He stated that the company had not yet made up their minds to let the guns go. Shortly after, Lieut. Col. Wilkinson called witness into the armory, and asked him if he would pledge his word that the guns should be returned to the company after we had got through with them. Witness told him he would, and did so pledge himself, and he gave witness liberty to take them. After witness went out, the key not coming, another officer came out and told them to wrench the lock off the door. He ordered Sergeant Dawley to do so. While he was in the act of doing it with his bayonet, the key was found, and passed out of the window to William H. Potter, who unlocked the door, and we took the guns. The guns did not belong to the State. They were the property of the artillery company. The key was in possession of Lieut. Col. Wilkinson, who was not at the armory at the time we went there. These brass pieces were sent to the company by General Washington, to replace three iron guns which were borrowed of this company, and which were lost in the Sound. These cannon were taken at the surrender of Burgoyne.

Witness was at Anthony's house previous to going to the arsenal. Governor Dorr was requested by the officers to remain at the house. But he refused to remain, saying that, as he had promised, he should not be found in the rear when there was danger to be met.

At the arsenal ground, witness was sent with a detachment, and lay in ambush close by the building, on one side. The plan was, that when the doors were opened to run out and fire the artillery pieces, his company should rush in and take possession of the building; which he did not apprehend there was much difficulty in doing.

*Kingsley P. Studley.*—Was a lieutenant in the volunteers, and went down with them to the artillery armory to take their pieces. Witness repeated the statement that Capt. Reed had made, and said that the detachment who went for this purpose consisted of 50 men.

*Thaddeus Simmons.*—Was at the arsenal, within 20 feet of the cannon. Was one of the guard who marched out by the side of Governor Dorr, four on each side; and was close by him from Anthony's to the arsenal. The guns were placed under the command of Lieut. Carter. They were southeast from where some 30 men were, near a tree. Heard the orders given by some one to fire. Both guns flashed—first one, and then the other. Does not know who touched them, but knows it was not Mr. Dorr. Was



so near as to be positive of this. I know it was not Mr. Dorr—I am positive it was not he. Mr. Dorr moved about the field, to bring up the men.

*Joshua Hathaway.*—Was not at the arsenal. Was at Anthony's house the first part of the evening, and the next morning when the artillery pieces were brought back. Knows in what state the guns were when they returned from the arsenal, as he assisted in boring them out. The difficulty with them was, that the powder had moistened and dissolved, and then hardened. There were no pine or other plugs found in the vents. There was nothing but powder in the vents; and they had to be bored out with a gimblet before they were serviceable. Witness helped to do it. He has a brother named Seth, who was said to have been at the arsenal-ground that night.

*Benjamin M. Slade.*—Was commissary at Chepachet. When the troops disbanded, there was not more than two days' provision on hand. It was mostly obtained by voluntary subscription—some of it in Providence, some in Woonsocket. Some was sent in by the citizens of Chepachet. There were two colored people employed in his department. The whole number of our men under arms at Chepachet was from 200 to 250. There was no chaplain on the hill. The flag was the United States flag. Some tents were borrowed from Massachusetts. The marquee was borrowed by witness and Captain Lauanders.

*William H. Potter,* recalled.—Was near Governor Dorr at the arsenal. Stood within 8 or 10 feet of him, near the tree where the pieces were flashed. Mr. Dorr did not waive a torch, or touch either of the pieces. If he had done so, witness must have seen him. Lieut. Carter was near them, and appeared to have charge of them.

*William J. Miller.*—Was one of the publishers of the Providence Express in June, 1842. A proclamation for convening the people's legislature at Glocester was sent us on Saturday for publication. Circumstances compelled us to decline its publication. An order of Governor Dorr, for the disbandment of his military force at Chepachet, was brought to the Express office on Tuesday morning, June 28, by the hands of Walter S. Burges, for publication. It was printed by us in an extra, by a permit of one of the governor's council.

*Col. W. H. Potter,* recalled.—The procession in Chepachet, alluded to by D. J. Pearce as being formed at the hotel, and moving toward the hill, was entirely a civil procession. The men in it had no arms, nor were they under orders. All persons there in the street, favorable to the cause, were requested to manifest it by falling in and joining a procession.

*Walter S. Burges.*—The relations between Mr. Dorr and myself having been of a friendly nature, I called to see him at Mr. Anthony's house on the evening of the 17th of May, 1842. There was no doubt entertained that it was his intention to take possession of the State's arsenal that night. We had a conversation on this and other subjects, in which he requested me, in case of any accident to him, to attend to his affairs, and take care of the papers in his office. He directed me where to find the books and papers which were in his hands as one of the State commissioners of the Scituate Bank; the files of papers pertaining to his office of president of the school committee in the city of Providence, which he had filled for some considerable time; also, the papers, securities, and funds belonging to the Rhode Island Historical Society, of which he was then treasurer, and sundry other valuable papers relating to certain administration and guar-



dianship accounts—particularizing the location of each, and giving me the keys that led to them.

Witness never has seen Governor Dorr, before or since, manifest any motives or intentions, other than as a public officer.

FRIDAY MORNING, May 3.

*Walter S. Burges*, recalled.—Just before dark, on the evening of Monday, June 27, 1842, I received a letter from Governor Dorr. It was brought to me in my office, by two officers of the charter party, unopened. The men who brought it (one of them a Mr. Eddy) had been intercepted. I opened it in the presence of the officers. It contained information to witness of an order being given for the disbanding of the troops at Chepachet; also, a copy of the original order, under sealed cover, directed to the Express office, for publication. These were taken immediately that evening before General McNeill and the governor and council. The next morning they were returned to me by Governor Arnold, (one of the council,) who requested me to leave the order at the Express office, and have it published. I carried it to that office, but they refused to publish it, unless by an order from the governor and council. I returned to Governor Arnold, and obtained his order or permission for its publication, and again carried it to the Express office, and it was soon out in an extra. This was on the morning of the 28th June.

FRIDAY AFTERNOON, May 3.

Mr. Turner then commenced an address to the jury in the further opening of the defence, recalling their attention to the five points which he had before introduced, viz: 1. That treason was not an offence against this State, but against the United States; 2. That if any treason had been committed, an indictment could not constitutionally be found out of the county where it was charged as having been committed; 3. That, at all events, such indictment, wherever found, could not be *tried* out of such county; 4. That the defendant committed no treason, but acted justifiably, having performed the acts charged against him in his capacity of governor of the State, and having been duly elected and sworn under a valid constitution; 5. That there was an absence of all the motives and malice which are necessary to the existence of the offence charged.

These points Mr. Turner proposed to take up separately, and to maintain and illustrate each in its order.

*The court*.—There has been no foundation laid in the proof of facts to sustain the 4th point of justification.

*Mr. Turner*.—The testimony on this point being distinct from the rest, he had intended to reserve it until he should come to it in the proposed order; but he was ready to take up the points in any order that might be preferred by the court.

*Staples, J.*—All the testimony ought certainly to be put in in this stage of the case. It would be irregular, after commencing the argument of the law, to return to the introduction of new proof.

Upon this suggestion of the court, the 4th point of justification was then taken up; and Mr. Turner proposed to prove by the authorities, that the people had a right to adopt a constitution of government; and that, in the exercise of that right, they did adopt a constitution in December, 1841, under which the defendant derived his authority; and, in proof of this fact,

he proposed to offer and authenticate the votes of the people themselves in proof of said constitution.

*The attorney general* objected to the introduction of this testimony ; and asked how the votes themselves were to be proved.

*Mr. Dorr.*—I intend to show that the votes were received and counted, and how many there were, and for what they were given ; then I will produce the votes themselves, and lay them on the table before the jury, for their inspection and that of the court ; and, in the next place, if the gentleman be not satisfied, I will call in the voters themselves severally, to verify their votes, commencing at any place he may please to designate.

*Durfee, Ch. J.*—This subject has already been gone into at large in the case of Cooley ; and such testimony as is now offered was rejected upon full deliberation by the court. We cannot permit it to go to the jury. It would fail to prove the point for which it is introduced, if it were admitted ; for the prisoner cannot be held justified by acting under any other constitution than that of the State. This court can recognise no other than that under which it holds its existence ; and must take it for granted that the government preceding the present was also the government of the State, until changed in due legal course. Any irregular action, without legal authority, is no action at all, that can be taken notice of by a court of law, who are bound by the laws, and sit to administer them. It matters not, therefore, whether a majority, or what majority, voted for a pretended constitution, as is alleged by the prisoner, and as he now asks to be permitted to prove. The numbers are nothing ; we must look to the legality of the proceeding, which, being without form of legal authority, is void and of no effect. If such proceedings should be tolerated in a court of law, and be accounted to hold any man justifiable for the violation of it, then law is at an end, and general anarchy would ensue ; as what had been done once, could be done again, and with as good effect ; so that a succession of changes might be perpetual, and there would be no permanent form of government. Of what benefit, then, to the prisoner, can it be to introduce testimony which cannot support his case, if conceded to its fullest extent ? The question is, not what was done, but what was done according to law ; and numbers, however great, cannot decide this, either way. The fact is, the prisoner asks leave to bring into this court a political question, which cannot be settled here, and has been settled elsewhere. If a government had been set up under what is called the people's constitution, and they had appointed judges to give effect to their proceedings, and deriving authority from such a source, such a court might have been addressed upon a question like this. But we are not that court. We know, and can know, but one government, one authority in the State. We can recognise the constitution under which we hold our places, and no other. All other proceedings under any other are, to us, as nullities. It would be improper for this court to take any other notice of them ; and, if we did, we could allow to them no effect or importance whatsoever. Besides, the prisoner asks to prove a law, and the highest law, by parol. Was ever such a proposition before heard of in a court of justice ? If there be any such constitution, it must be found at the head of the statutes of the State ; and the court are bound to take notice of it. It is one of the laws, and the highest law of the State. But we find no such law. And, again, if the prisoner was governor of the State, as alleged, the evidence of it is a certificate of record from the proper officer. In every point of view, therefore, the testimony now offered is inadmissible ; and, as



before observed, this question has been fully considered in another case. The court, therefore, decide that the testimony offered cannot be permitted to go to the jury.

*Mr. Turner*—Although this question may have been before considered, yet, in a case of this importance, we may well ask to have it brought again to the attention of the court. It is indispensable to the main point of the defence, that this testimony should be allowed to go to the jury with all the effect that it may be entitled to. If it be excluded, the defendant is cut off from the full defence to which he is entitled, and great injustice must be done him in consequence. We contend that he was, at the time when the offence charged against him is said to have been committed, the governor of this State, acting under valid authority, deriving his powers from a constitution rightfully adopted by the people themselves—the highest power in the State—in the exercise of their original, sovereign capacity, and overruling and superseding, by that transcendent act of sovereignty, all other rules and authorities whatsoever. Any objection to this testimony comes with bad grace from the prosecuting officer, who has been permitted to show that Mr. Dorr acted as governor under the forms of an election, and in the presence of a legislature, also purporting to be chosen by the people under the same constitution. If Mr. Dorr so acted, (as we know he did, and as has been again proved here,) then we ask to show why he acted, and by what authority he acted, and to discuss that authority. We propose to show, by most abundant authorities, as a foundation for what the people did in their sovereign capacity, that they are by the theory of our institutions, and in fact, the ultimate sovereign power of the State, responsible to no higher authority, except that of their Creator, for the manner in which they have used this sovereign power for their own good and for that of the State, of which they are the judges, and which judgment no other tribunal can call in question. If we cannot go into this proof, what becomes of the full, fair, and impartial trial to which the defendant is of common right entitled? Without the liberty to investigate this vital and momentous question, which involves the liberty of our State and country, this trial degenerates into a merely formal process—a ceremony before conviction; and he is to be deprived of his civil rights, and subjected to the extreme infliction of the law, without a hearing, and without an opportunity to justify himself before the jury, who are thus to decide his case without hearing the whole of it, and without the due consideration of all the points and all the arguments which are necessary to the conscientious and satisfactory discharge of the solemn and momentous duty which has been imposed upon them. And further, this is not the same court that acted upon this question on a former occasion, at the trial of Colonel Cooley in Providence. The court was then acting under the charter government, which has been done away with. This court sits under a constitution from which it derives its power. It is different in name, and in the number of its judges. One of the judges on the bench has never heard any discussion of the subjects under consideration, in his judicial capacity. Under all these circumstances, regarding the entire novelty of this case, both here and in other States, and the careful deliberation to which, in all its important aspects and bearings, as affecting the liberty and rights of the citizens of the State and country, it is so peculiarly entitled, have we not a strong claim upon the court to be heard fully and dispassionately, and to the whole extent which the investigation may require, upon this, the main, vital question of



the case? We are prepared to show most conclusively, upon principle and authority, that the people had a perfect right to re-organize their government as they might see fit; and that, in the exercise of this right, they did in fact so proceed, and did adopt a constitution, under which the defendant was duly elected, and exercised his appropriate power, and performed his specified duties, according to the oath of office which was administered to him.

*Staples J.*—The admission of this testimony would be permitting the prisoner to show that we are not a court. The authority of this court is derived from the constitution of the State; and that constitution itself was formed, according to legal proceedings, originating with the government under the charter, which has now ceased to exist. If that was no legal government, as the prisoner proposes to show; then the present is no constitution, having no rightful origin, and we, as judges, have no powers under it. Can we permit such a proceeding as this—to have our own existence drawn in question? The acts set up by the prisoner in his justification were revolutionary in their character, and success was necessary to give them effect. In this event, the judges chosen would have recognised the source which created them, and would have treated the acts of the government as valid. The prisoner asks us to take notice of an organization which not only did not exist rightfully, but did not exist at all.

*Mr. Dorr*—The defendant in this case claims the right to inquire and show who are the people of this State, what they had a right to do, and what they did, as the basis of justification of his course and conduct in the recent political affairs of this State. He proposes to show that the people, in a political sense, are the adult male population, including qualified voters, and those who are not qualified—the men who do not look for their origin to the State, but to their Creator; and who compose the great mass of the community, bearing its burdens, contributing to its support, the authors of its prosperity, and the defenders of its rights. In the next place, it will appear, if there be any virtue in the solemn declarations of popular rights, in the constitutions of the States, in the decisions of courts, in the opinions and arguments of the most eminent jurists and statesmen, and of the greatest and best men who have adorned our history, that the people, as thus defined, are the ultimate, uncontrolled sovereign power, in whose hands is vested—not by grant or transmission, but by the hand of God—the right, the ability, the competency to provide for their own political safety and happiness, by devising and creating such forms of government as, in their several communities, they shall deem best and most expedient, and by altering, amending, abolishing, and renewing the same, at such times, and in such modes, as to them shall seem proper and necessary; of the propriety and necessity of all which proceedings, they are the sole and exclusive judges. It will also appear, if the defendant be allowed to make out his case, that, in a recent exigency, the people of this State so defined, and so empowered, did see fit to put in exercise this original ultimate sovereign power, and did form and adopt a written republican constitution for the government of the State, under which a government was duly elected and qualified, and among the members of which the defendant accepted and exercised the office of the chief magistrate. To prove the existence and adoption of this constitution, the votes of the people are here, and we are ready to present them to the jury. The people also are not far off, and may be called upon to authenticate their own acts, if they be drawn in question.

Your honors say that this testimony cannot be admitted. Why not? It will unsettle the foundations of the court. Is there any justice in this objection? The court will remain just where it is, until changed by competent authority; and its jurisdiction will remain the same. This objection would have seemed to carry more weight under a state of things that now no longer exists. When the court sat under the charter government, it might have been said that to have that government impugned, and to admit testimony to show that it was set aside and superseded, would be virtually drawing in question the existence of the court. But this court does not sit under the charter government; and it can now look back with equanimity upon a past state of things, and can, for the purposes of justice, inquire what rights were then gained and lost, and upon what principles the actors in the affairs of that period are to be justified or condemned, without questioning their own existence under the present constitution; which they are bound to regard as a *fact*, without either admitting or denying other facts, present or past. The constitution under which they act has been carried into effect. A government is in operation under it. A judiciary has been elected under it. And by what possible act of the court or jury can this constitution be changed, or that part relating to the judiciary be abolished? It is not the province of courts and juries to make and unmake constitutions; that is the work of the people. If, after examining the votes and the proofs of his election, and weighing the authorities, the jury should come to the conclusion that the defendant is not guilty, what conceivable effect can this opinion have upon the stability of the court? Another jury may be of the opposite opinion. Does this place the court back again where they were before, and save their authority? The opinion of the jury expends itself in the particular case on trial; it cannot extend beyond it. It convicts or acquits no one else. It is very difficult to comprehend the force of this objection. Why should not a jury be permitted to investigate a question of political rights, as well as a question relating to person or property? We wish to ask the jury whether, upon American principles, and upon a survey of all the facts, the defendant is guilty; if they should say not, they look at the facts and law of this case, and not an inch beyond it. They affirm and deny nothing respecting the failure of the government under the people's constitution. They say simply that what the defendant did, he had a right to do at the time. What became of his rights, or those of the people; why and how the government was overthrown; whether another constitution was rightfully or wrongfully set up; and whether this court are to continue any longer in existence—are all matters with which the verdict has nothing to do.

The present constitution is a fact which is taken for granted on all hands. It exists, and is made effectual by a government operating under it. No other constitution has now any operation; and there is no other government in actual competition. But is this state of facts to decide a question of right? Because the constitution and government under it have been set aside by force; and because, through the fault or misfortune of its supporters, and by external interference, the plan of reform in this State failed of success, is the opposite forcible success the criterion of all our rights? It may be true that the people have been defeated, or have defeated themselves, and have acquiesced, or are disposed to acquiesce, in a new order of things; and yet it may be also true that they were in the right, and that



those who attempted to serve them in 1842 were in the right. And this is what we now desire the opportunity to prove to a jury of the country.

The court have taken an oath to support the constitution under which they act; and they cannot escape from it while they continue to act, and until they are relieved by a competent authority. In what respect, then, can they be affected by any argument to show that the old charter government was, two years ago, rightfully superseded by that under the people's constitution? If the court be convinced by this argument, still they are held by the obligation to the constitution which they have assumed, and which they have assumed without qualification, or any reference whatever to its origin, or the question whether the charter government was valid or not at the time this constitution was formed. If the court be not convinced, then they remain just as they were before. But, whether convinced or not, they still remain a court; and the defendant, if heard, has the advantage and the justice of a full hearing in what he deems the most vital portion of his case. In addition to this, it may be remarked that the question of the effect upon the court of the people's constitution could not be a practical one, even if the court were now sitting under the charter government; for, by the people's constitution, the judges were continued in their places until a new election should take place; and the legislature under this constitution made no such election: so that, in the case supposed, the court would be as much the court of the constitution, as of the charter.

But, beyond all this, taking for granted that the court, by permitting the defendant's justification to go to the jury, would be permitting its own legal existence to be drawn in question, what right have the court to regard any real or supposed consequences, or to interpose them as barriers to a full investigation of all the principles and facts of the case? The court sit to do justice, let what will come of it; and let justice be done, though the heavens fall. What reason is there why a court should not hear all objections, in good faith, not only against the soundness and legality of their decisions, and against their jurisdiction, but against their own qualification or legal competency or existence as judges? Some years ago, there was a controversy concerning what was called the perpetuation act, relating to the holding over of a part of the government till a new election should be effected by the voters. Now, suppose this court not to have held over by operation of law, but by act of such a perpetuated government; and the question had arisen, whether the court had a valid existence, and its powers were legally continued: would not your honors have listened to such a question? If you had entertained any serious doubts as to your legal competency, and the validity of your powers under such an act, would you not have hesitated to proceed, or have postponed your proceeding until the difficulty could be removed? Suppose that it should be now suggested that your honors are sitting here under an election, in which the prescriptions of the constitution were not complied with, or without being properly qualified, and without commissions: would not such a suggestion deserve and require your attention; and, if well founded, would not your action as a court be at once arrested? This doctrine, that a person accused of treason cannot be permitted fully to defend himself, because, if he do, certain consequences may follow, and the jury may take a different view of the constitutional or legal question proposed from that of the court, has no limitations, and may be carried out, in their discretion, so as to work an entire denial of justice, and a defeat of the trial by jury. If one consequence



is to be regarded, why not another? A learned judge has recently observed, that "insanity and the alibi have become the Castor and Pollux of the criminal courts," so that the guilty have often escaped improperly, under these forms of defence. Why not say at once, that hereafter those grounds of defence shall no longer be permitted in this court, because they have been, and may be, employed to the defeat of public justice?

As to the proof of the people's constitution, and the election of the governor under it, by parol, which is deemed objectionable, the difficulty will be at once removed by presenting a copy of this constitution, and a certificate of the election of the defendant as governor, under the hand of the person who was secretary of state under said constitution in 1842. These your honors, of course, will not admit; and being thus deprived of the shortest and easiest mode of reaching the court and jury, we will proceed with parol proof, if we are permitted, in the way that foreign laws are sometimes proved; your honors not regarding the constitution and election as any part of the legal record of the State. This difficulty is not of our own making.

It has been already submitted to your consideration, that this is not the same court that before decided the question now in argument. This court derives its origin from a different source, and there is a new member on the bench. The question before you may be regarded as new.

But it is said that the people of this State did not succeed in 1842. They did not permanently establish their constitution and government. And what of this? Is might the standard of right, in a country of republics like this? Does the existence of a right cease with the establishment, possession, and enjoyment of it? Does success create rights or confirm them? In despotic countries, where rights are only concessions from the hand of force, this doctrine of contingent rights may meet with some countenance from the state of affairs and the long suffering patience of the people; but it has no application here. If the defendant had a right to proceed as he did, in the discharge of his appointed duties, defeat did not take it away; and he ought to be permitted to assert it in his defence against the accusation which here rests upon him. It will not do to say that this is a political question which has been settled elsewhere. This is not an answer to the present application. One party carried the day, and the other lost it. Is it to be asserted that the party which ought to succeed is always successful, and that which does not succeed is always in the wrong? If not, then, so far as this case is concerned, the question has not been settled; and if, as your honor says, it be political, then political facts and arguments are appropriate to it, and more especially as addressed to a political jury.

To say that the people's constitution was formed without authority from the government then existing, and was consequently null and void, and therefore that it would be of no benefit to the defendant to admit the proof of the facts, which show that this constitution was actually the work of the people, is begging the question. We deny the assertion that the people cannot act for themselves in the construction and change of government, without the permission of that government. The court cannot take this for granted with our consent. We strenuously assert, and stand ready to prove, precisely the contrary, and by a weight of authority and opinion that has never yet been successfully resisted. The defendant does not ask as a favor or indulgence, but claims as the citizen of a free country, the right to show to the court the entire validity of all the proceedings of the people in

the adoption of their constitution ; and the same right to exhibit the evidence of their votes and of his own election. There is no conjecture in a proof like this. The people set their hands to the work of the constitution. The prisoner offers their signatures to the jury. To refuse this inquiry of law, and this examination of facts, is to cut off the right arm of his defence.

*Durfee, Ch. J.*—We have decided this question. I am astonished that men of high intellect can take such views of it as they have. We cannot admit this testimony. In this stage of the proceedings, we cannot hear the argument to show its admissibility. After verdict, we shall be disposed to entertain the question.

The defendant then protested against this decision of the court, requesting the court to note his exception. By request of the court, the offering of the defendant as the ground of his justification to the jury, thus rejected, was reduced to writing, as follows :

"The defendant proposes to show by the authorities, that the people of this State have a right to adopt a written constitution of government ; and that, in the exercise of that right, they did adopt a constitution, in the month of December, 1841, under which the defendant derived his authority ; and this fact he proposes to prove by the production of the votes of the people themselves in favor of said constitution."

*Mr. Dorr* inquired whether this decision to hear no argument, and to reject the testimony offered, was the decision of the whole court.

*Brayton, J.*, (newly elected,) said that it was.

*Mr. Dorr.*—I have sought to conceal nothing in this case. I deny nothing, except the falsehoods with which it has been sought to surround it. I should be the last man, I trust, to make any such denial, believing as I did, and as I now do, that I was in the right, and that my opponents were in the wrong. I have accordingly claimed here the right fully to justify myself to the jury, both in law and fact. Your honors have come to a different conclusion, but not more honestly than I have to the opposite of it. As you refuse to permit me to justify myself, I shall now once more offer the same testimony, in a more general form than when *Mr. Harris* was called upon the stand, to repel the charge of treasonable intentions. Levying war is not enough. In the language of Chief Justice Marshall, the levying war must be with the intent to commit treason ; and treason is not to be inferred from an assemblage in arms, without an examination of all the circumstances and reasons that led to it.

*Mr. Turner* then made a third offering, as follows :

"The defendant offers to prove, by the votes of the people, to be produced and verified, that a large majority of the whole resident adult male population of the State, being citizens of the United States, gave their votes for the adoption of the constitution, called the people's constitution of Rhode Island, in the month of December, 1841 ; and also to prove that, under the said constitution, the defendant was elected governor of this State, in the month of April, 1842. And this testimony he now offers, to repel the imputation of malicious and treasonable motives and intentions, as charged in the indictment, and urged by the prosecution in behalf of the State."

A debate then ensued between the defendant and his counsel, and the court, on the same grounds that were before taken, and with the same result ; the court overruling the offer of the testimony, and the defendant protesting and excepting as before.

*Mr. Turner* then proposed to offer to the jury a copy of the people's con-

stitution, to show that the government provided under it was republican in its form, agreeably to the requirement of the constitution of the United States.

The offering was overruled by the court, as being immaterial, irrelevant, and inadmissible. Defendant excepted.

*Mr. Turner* then offered the message of Governor Dorr, delivered May 3, 1842, before the General Assembly under the people's constitution, to explain the motives and objects of the defendant.

Ruled out, and exception taken by defendant.

*Mr. Turner* then claimed of the court, in behalf of the defendant, the right of defendant and his counsel to address the jury on all matters of law involved in the case, as their undoubted privilege; inasmuch as the jury, in all capital cases, are the judges both of the law and of the fact; the province of the court being, in such cases, to lay before the jury their views of the law, and of the jury to judge of them, as they do of the testimony.

*Durfee, Ch. J.*, said the court entertain a different opinion. We must have the duty and responsibility of deciding upon the law.

*Mr. Dorr* very earnestly and strenuously urged upon the court his right to be heard by the court upon this question, and to argue the law to the jury, who did not sit in the box as ciphers, but to hear, judge, and determine for themselves. If they could not do this, then, as the court had made up their minds, the jury were to be governed accordingly, and this was but the shadow of a trial.

*Durfee, Ch. J.*—This question has been fully and ably argued in a former case before this court, and must be considered as settled.

*Mr. Dorr.*—Until it be overruled. The decisions of the court are not irreversible; and as there are no published reports, from which we can learn the reasons of them, there is good cause for asking to be heard in a case of this importance.

*Mr. Turner.*—I have authorities that will convince the court, if I can be permitted to produce them, and if your honors will listen to them, which will satisfy your minds that the prisoner has this right to go to the jury, in a capital case, upon the law; and that the jury have a right to judge of it, however they may be advised by the court. I have, among the cases which I wish to bring to your attention, the impeachment of Judge Chase, of the Supreme Court of the United States, for official misconduct; one of the principal charges against whom was, that, in the trial of Fries, charged with treason, he refused to permit the counsel to argue the law to the jury. The counsel for Judge Chase admitted the right of the jury to hear the law argued to them, but denied the allegation that he had refused to permit the counsel of Fries to argue the law to the jury.

*Haile, J.*—This State must have been extremely ignorant when they passed a law making it the special duty of this court to instruct the jury in matters of law. This question was settled at Providence, in a license case, some time ago.

*Mr. Dorr* again urged upon the court his right to have the authorities read, and to go on with an argument upon them.

*Durfee, Ch. J.*—Well, go on.

*Staples, J.*—I am opposed to a re-argument of this question at the present time, in the course of a jury-trial. I am willing to hear it re-argued when the court are at leisure.

*Haile, J.*—Nor am I disposed to hear a re argument during the trial,



when this question has once been solemnly settled. At a proper time, it can be heard. But it ought not to be heard in the hurry of a jury-trial.

*Mr. Dorr.*—It falls strangely upon the ear of a man in my position, when I hear the judge of a court, in a case of this kind, and involving principles of such moment, make use of an expression like this—the “hurry” of this trial. I must be hurried through to judgment, then, without a hearing; and after conviction I may be heard! Is the liberty or the life of a man to be disposed of in this way? If there are any reasons why a conviction should not take place, why should they not be heard now? What reparation is it, after conviction, to hear the reasons why it was unjust? This is, literally, according to a common observation, hanging a man first, and trying him afterwards.

[Here one of the spectators remarked, in an audible voice—*That is the way of this court.* The court ordered him removed. But he presently returned with the sheriff, and made an apology, stating that he was in the habit of speaking out, and had not the proper command of himself. He was permitted to return to his seat.]

*Staples, J.*—The jury are kept here under much restraint; and can they be kept here week after week, while we are hearing arguments which belong to another stage of the case?

*Mr. Dorr.*—The jury do not complain. I think they will hear all my defence patiently.

*Staples, J.*—They are men.

*Mr. Dorr.*—I also am a man, and claim the rights of one.

*Mr. Turner.*—We ask an opportunity to convince the court, by the authority of the greatest judges that have ever lived in this country.

*Durfee, Ch. J.*—The constitution of this State settles our duty to charge the jury upon the law; and are we to sit here with our juries receiving the law from judges of other States? The only duty of the jury is to take the law as given by this court, and to judge whether it be applicable to the facts.

*Mr. Dorr.*—I wish to give some reasons for the position taken, from high sources. Do the court refuse to hear authority and argument?

*Durfee, Ch. J.*—The court decide not to hear any argument upon this question.

The defendant excepted to the ruling of the court.

The court, after some consultation together, announced that they would hear an argument on the first point—which sets forth that treason can only be committed against the United States—as this was a new question, not heretofore discussed before them.

*Mr. Turner* said that he should be ready to argue this point in the morning; and the court adjourned.

[The debate, which occupied three hours on Friday afternoon, was in some parts more in the form of a dialogue than we have given it. But we have endeavored to bring together the remarks on both sides, and to do justice to both, in giving the substance of them. The prosecuting officers took no part, beyond asking an occasional question. Some warm passages occurred—the defendant contending strenuously for his right to a hearing, and the court manifesting some impatience at the time spent in addressing them on what they adjudged to be settled questions.]

SATURDAY MORNING, May 4.

Mr. Turner occupied the forenoon session of four hours, and a part of the afternoon, with an able and elaborate examination of, and comment upon, the authorities relating to treason, and the sovereign power against which it must be committed, if at all; incidentally demonstrating, from the highest sources, the right of the people at large to make, alter, and amend their forms of government, as they may deem expedient, without the interference or consent of the government in existence.

The levying war charged must be with the design and purpose of committing treason; which is defined by Lord Coke, 3d Inst. p. 2. as "*crimen læsæ majestatis*"—the accusation or offence of injured majesty.

In English Liberties p. 65, it is said to be derived from *trahir*; which signifies treacherously to betray.

Lord Hale, (Pleas of the Crown, 159,) speaking of the sovereignty offended by treason, calls it *jus summi imperii*, or the right of the highest or ultimate authority; which in despotic governments is vested exclusively in the reigning prince, and in other monarchical governments is divided, to a greater or less extent, with the legislature.

Hawkins (Pleas of the Crown, 1, 85) shows that treason can only be committed against the "sovereign lord, or the sovereign power."

Foster (Crown Law, p. 5) gives the indictment for treason against the Scotch rebels, which shows that the treason charged was against "their supreme, true, natural, lawful, and undoubted sovereign lord," and to deprive him "of his title, honor, and royal state, and of his imperial rule and government." Blackstone conveys the same idea in substance.

Burlamaqui (vol. 2, ch. 5, sect. 1, p. 212) says, "The sovereign in a State is that person, 'or power,' that has the right of commanding in the last resort." Sect. 2, "As to the sovereignty, we must define it the right of commanding in the last resort." P. 213, sect. 5, "Sovereignty can admit of no share or partition: there is no sovereignty at all, where there are many, because there is no one who commands them in the last resort." P. 220, ch. 7, sect. 2, "The first characteristic, (of sovereignty,) and that from which all others flow, is its being a supreme and independent power—that is, a power that judges, in the last resort, of whatever is susceptible of human direction, and relates to the welfare and advantage of society; inso-much that this power acknowledges no superior on earth." P. 221, sect. 5, "A second characteristic, which is a consequence of the former, is, that the sovereign, as such, is not accountable to any person on earth for his conduct, nor liable to any punishment from man; for both suppose a superior." P. 222, sect. 8, "A third characteristic essential to sovereignty, considered in itself, is, that the sovereign, as such, be above all human or civil law." Sect. 9, "But with regard to laws merely human, as their whole force and obligation ultimately depends on the will of the sovereign, they cannot, with any propriety of speech, be said to be obligatory in respect to him; for obligation supposeth two persons, a superior and an inferior.

Blackstone (vol. 1, p. 48) observes that there is, and must be, in all governments, "a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or the rights of sovereignty, reside." (See Tucker's note 5.)

3 Dallas' Rep. p. 74: "Every nation that governs itself, under whatever form soever, without any *dependence* on a foreign power, is a sovereign State." (Patterson J.)

These authorities, by pointing out the essential characteristics of sovereignty, enable us to define it to be an independent, absolute, uncontrollable, irresponsible, and supreme power in a State in the last resort; all of which is embraced by the *jura summi imperii*—or rights of ultimate authority. And these authorities coincide in establishing the point, that treason, no matter what particular form it may be made to assume by legislative enactments, is an offence that can be committed only against the ultimate sovereignty of a State or nation—whether that sovereignty reside in a prince, as in Russia; in a king and parliament, as in England; or, as in this country, in the *whole* people, voters or otherwise. The subordinate, fictitious treasons that have been invented by special laws, are confined to arbitrary, or monarchical governments, with a recent exception in this republican country. The State against which treason can be committed here, must be that State or government which is invested with the higher attributes of sovereignty.

In this country, that sovereignty against which only treason can be committed is vested in the United States, to which power the people of the several States have seen fit to delegate some of the highest functions of government.

In examining the power of the people over the whole structure of government, Mr. Turner further cited Burgh, who wrote about the time of Blackstone, (vol. 1, book 1, ch. 2, p. 3)—“All lawful authority, legislative and executive, originates from the people. Power in the people is like light in the sun, native, original, inherent, and unlimited by anything human.” P. 4, “As the people are the fountain of power, so are they the object of government.” “As the people are the fountain of power and object of government, so are they the last resource when governors betray their trust.” P. 227, “The authority of government is only superior to a minority of the people. The majority of the people are rightfully superior to it.” P. 278, “for the people give to their governors all the rightful power they have.” (Locke on Government, s. 149–237; and Sidney, 278, 358, 415, to the same point.)

But it is unnecessary to look abroad for authorities. They are abundantly furnished at home, in our own country. The declaration of American independence sets forth the imperishable truths, “That to secure these rights, (life, liberty, and the pursuit of happiness,) governments are instituted among men, deriving their just powers from the consent of the *governed*; and whenever any form of government becomes destructive of these ends, it is the *right* of the *people* to alter or to abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.”

Again: “When a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.”

To show that the declaration is an *authority*, and not the obsolete expression, in a rhetorical form, of rights which were limited to a single occasion, Mr. Turner cited 1 Story's Comm. 199, 299, and 2 Dallas, 470.

These passages contain, in behalf of the people of the United States generally, the first distinct assertion of their complete sovereignty in the last resort—that of governing themselves.



The constitution of the United States, framed by a convention of delegates in 1787, acting upon the principles laid down in that declaration, commences—"We, the people of the United States, &c., do ordain and establish this constitution," &c.; and by an amendment, made before it was adopted by the State of Rhode Island, there is an express reservation of the undelegated powers to the people.

The Federalist (No. 22, p. 111) says, "The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from the pure, original fountain of all legitimate authority."

No. 46, p. 235, "They must be told that the ultimate authority, wherever the derivation may be found, resides in the people alone."

In 3 Dallas, 93, (in 1795,) Justice Iredell says, "A distinction was taken at the bar between a State and the *people* of the State. It is a distinction I am not capable of comprehending. By a State forming a republic, (speaking of it as a moral person,) I do not mean the *legislature* of the State, the *executive* of the State, or the *judiciary*; but *all the citizens* who compose that State, and are, if I may so express myself, integral parts of it, all together forming a body politic."

"The great distinction between monarchies and republics, (at least our republic,) in general, is, that in the former the monarch is considered the sovereign, and each individual of his nation as subject to him; though, in some countries, with many important special limitations. But, in a republic, *all the citizens*, as such, are equal; and no citizen can rightfully exercise any authority over another, but in virtue of a power constitutionally given him by the whole community; and such authority, when exercised, is, in effect, an act of the community which form the body politic. In such governments, therefore, the sovereignty resides in the great body of the people, but in their political capacity alone"—and not as individuals, who are not separately sovereign.

In 2d Dallas, 454, Wilson J. observes, speaking of the framers of the constitution, (he being one of them,) "They might have announced themselves *sovereign* people of the United States. But, serenely conscious of the fact, they avoided the ostentatious declaration." He then goes on to define the State and sovereignty. P. 461, "Even in almost every nation which has been denominated free, the *State* has assumed a supercilious pre-eminence above the people who have formed it. Hence the haughty notions of *State* independence, *State* sovereignty, and *State* supremacy."

P. 471.—(Jay Ch. J.) "At the revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country. But they are sovereigns without subjects, (unless the *African slaves* among us may be so called,) and have none to govern but *themselves*. *The citizens of America are equal as fellow-citizens, and as joint-tenants of the sovereignty.*" P. 472—"Sovereignty is the right to govern. A *nation* or *State* sovereign is the person, or persons, in whom that resides."

Chief Justice Marshall, in 1 Cranch, 176, lays down the doctrine, "That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it, nor ought it, to be very frequently repeated. The principles, therefore, so established, are deemed fundamental. And as the authority from which they

proceed is supreme, and can seldom act, they are designed to be permanent." "This original and supreme will organizes the government, and assigns to different departments their respective powers."

Judge Wilson, of the Supreme Court, one of the framers of the constitution, says, (1 Works, p. 17, in 1790,)—"Permit me to mention one great principle—the vital principle, I may well call it—which diffuses animation and vigor through all the others. The principle I mean is this: that the supreme or sovereign power of the *society* resides in the *citizens at large*; and that therefore they *always retain* the right of abolishing, altering, or amending their constitution, at whatever time, and in whatever manner, they shall deem expedient.

He further remarks at p. 25, "The dread and redoubtable *sovereign*, when traced to his ultimate and genuine source, has been found, as he ought to be found, in the free and independent man." This truth, so simple and natural, and yet so neglected or despised, may be appreciated as the first and fundamental principle in the science of government." P. 417—"The best and purset [species of government]—that in which the supreme power remains with the people at large—is capable of being formed, arranged, proportioned, and organized, in such a manner as to exclude the inconveniences, and to secure the advantages of all the three. On the basis of goodness, we erect the pillars of wisdom and strength."

In his speech before the Pennsylvania convention, in November, 1787, upon the question of the adoption of the constitution of the United States, (Works, vol. 3, p. 291,) the same learned judge remarks: "There necessarily exists in every government a power from which there is no appeal, and which, for that reason, may be termed supreme and uncontrollable. Where does this power reside?

"To control the power and conduct of the legislature by an overruling constitution, was an improvement in the science and practice of government reserved for the American States.

"Perhaps some politician, who has not considered with sufficient accuracy our political systems, would answer, that in our governments the supreme power was vested in the constitutions. This opinion approaches a step nearer to the truth, but does not reach it. The truth is, that in our governments the supreme, absolute, and uncontrollable power *remains in the people*. As our constitutions are superior to the legislatures, so the people are superior to our constitutions. Indeed, the superiority in the last instance is much greater; for the people possess over our constitutions control in act as well as right. The consequence is, that the people may *change* the constitutions *whenever and however* they please. This is a right of which *no positive institution* can ever deprive them."

"It is essential to such a government" (that is, a republican) says Mr. Madison, (Federalist, No. 39, pp. 203-24,) "that it be derived from *the great body of the society*, not from *an inconsiderable portion or a favored class* of it."

Justice Iredell of the Supreme Court (3 Elliot's Debates,) remarks, that "Our government is founded on much nobler principles. The people are known with certainty to have originated it themselves. Those in power are their servants and agents. And the people, *without their consent*, may remodel the government whenever they think proper; not merely because it is oppressively exercised, but because they *think another form is more conducive to their welfare*." And it is equally plain, as observed by Rawle on the constitution of the United States, "that the people retains, the people

cannot perhaps divest itself of, the power to make such alterations." The laws of one legislature may be repealed by another legislature; and the power to repeal them cannot be withheld by the power that enacted them. So the people may, on the same principle, at any time alter or abolish the constitution they have formed. If a particular mode of effecting such alterations have been agreed upon, it is most *convenient* to adhere to it; but it is not *exclusively binding*."

Chief Justice Durfee having remarked that the right of the people at large to change governments, that had been spoken of, was a revolutionary right, leading to measures of force and war, Mr. Dorr said he would read a passage to show that such was not the nature or operation of the doctrine asserted, in the opinion of its teachers. He read from Judge Wilson's works, vol. 3, p. 293:

"To the operation of these truths, we are to ascribe the scene, hitherto unparalleled, which America now exhibits to the world—a gentle, a peaceful, a voluntary and deliberate transition from one constitution of government to another, (from the confederation to the constitution of the United States.) In other parts of the world, the idea of revolution in government is, by a mournful and indissoluble association, connected with the idea of wars, and all the calamities attendant on war. But happy experience teaches us to view such revolutions in a very different light—to consider them as progressive steps in improving the knowledge of government, and increasing the happiness of society and mankind."

Judge W. calls "the force and prevalence through the United States of this principle—that the supreme power resides in the people, and that they never part with it—the panacea in politics." "If the error be in the legislature, it may be corrected by the constitution; if in the constitution, it may be corrected by the people. There is a remedy, therefore, for every distemper in government, if the people be not wanting to themselves. For a people wanting to themselves, there is no remedy."

The same distinguished and able writer lays it down, that "A revolution principle certainly is, and certainly should be, taught as a principle of the constitution of the United States, and of *every State* in the Union. This revolution principle—that the sovereign power residing in the people, they may change their constitution and government *whenever they please*—is *not* a principle of *discord*, rancor, or *war*: it is a principle of *melioration*, *contentment*, and *peace*." (Works, vol. 1, p. 21.) He also says, "a proper regard to the original, and inherent, and the continued power of *society* to change its constitution, will prevent mistakes and mischief of a very different kind. It will prevent giddy inconstancy; it will prevent unthinking rashness; it will prevent unmanly languor." (Works, vol. 1. p. 420.)

Mr. Dorr also called the attention of the court to the fact that the constitution of the United States was not framed by virtue of the powers expressly conferred on the delegates to the convention. They were sent to propose some amendments to the articles of confederation. But, in behalf of the people, and overlooking the request of Congress, they threw these articles aside, and commenced an entirely new work. The ratification by the people of the States is what gives efficacy to this constitution.

*Staples, J.*—But it was ratified by the people who were qualified voters, and not by the people at large.

*Mr. Dorr.*—The assent, however, which was inferred, of the sovereign body, was what gave efficacy to the ratification.



*Judge Staples* also observed, that there was a difference between people and *the* people. The word *the* must be stricken out, in order to find the doctrine of sovereignty at large, contended for by the prisoner.

*Mr. Dorr.*—The declaration of independence uses the word *governed* in speaking of those who hold the power to amend and change governments. And surely *the governed* takes in the whole people. A non-freeholder in Rhode Island was most assuredly among the *governed*, and in many respects to his disadvantage.

*Mr. Turner*, passing from a review of the general right of the people of the State to assign and distribute to the government of the State, and of the United States, such powers and functions, respectively, as in their judgment might be conducive to the public welfare, and having demonstrated the sovereign authority of the people, proceeded next to inquire into the nature of the grant of powers to the General Government, in order more definitely to determine the question where the power resides against which treason is committed; contending that there cannot be two treasons—one against the State, and one against the United States; but that the offence must necessarily be directed against the higher power in a union of States, like that under which we live, and which is something very different from a mere confederation, or compact by treaty, of States retaining individually their former complete jurisdiction.

He cited 3 Dallas, 76, (in 1795)—“Congress had an imperfect sovereignty previous to the declaration of independence; and the articles of confederation are only a definement of rights before vague and uncertain. On the declaration of independence, a new body politic was created. Congress was the organ of the declaration; but it was the act of the people, not of the State legislatures, which were likewise nothing more than organs of the people. And it is absurd to say that both the Federal and State governments held sovereignty in the same points.”—(Patterson J.)—P. 81: “The truth is, that the States, individually, were not known or recognised as sovereign by foreign nations, nor are they now. The States collectively, under Congress as the connecting point or head, were acknowledged by foreign powers as sovereign, particularly in that acceptation of the term which is applicable to all great national concerns, and in the exercise of which other sovereigns would be more immediately interested.”

In 2 Dallas, 452, Blair J. remarked: “If sovereignty be an exemption from suit in any other than the sovereign’s own courts, it follows that when a State, by adopting the constitution, has agreed to be amenable to the judicial power of the United States, she has, in that respect, given up her right of sovereignty.”

Same book, p. 468, Cushing J. said: “Whatever power is deposited with the Union by the people for their own necessary security, is so far a curtailing of the power and prerogatives of States. This is, as it were, a self-evident proposition—at least, it cannot be contested. Thus the powers of declaring war,” &c., “are lodged in Congress, and are a most essential abridgment of State sovereignty. Again: the restrictions upon States, ‘no State shall enter into any treaty, alliance,’ &c.; these, with a number of others, are important restrictions of the power of States, and were thought necessary to maintain the Union, and to establish some fundamental, uniform principles of justice throughout the whole Union. So that I think no argument of force can be taken from the sovereignty of States. Where it

has been abridged, it was thought necessary for the greater, indispensable good of the whole."

The limitation of State supremacy is further explained by Chief Justice Marshall in 4 Wheaton, 405: "If any one proposition could command the universal assent of mankind, we might expect it would be this,—that the government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature. It is the government of all; its powers are delegated by all; it represents all, and acts for all. Though any one State may be willing to control its operations, no State is willing to allow others to control them. The nation, *on those subjects on which it can act*, must necessarily bind its component parts. But this question is not left to mere reason; the people have, in express terms, decided it by saying, 'This constitution, and the laws of the United States which shall be made in pursuance thereof,' 'shall be the supreme law of the land;' and by requiring that the members of the State legislatures, and the officers of the executive and judicial departments of the States, shall take the oath of fidelity to it."

The people of the States, in constructing the General Government, have not only seen fit to curtail the State governments of many powers before possessed by them, but of those higher powers against which treason can be committed. The State officers take an oath to support this supreme government, and cannot act till they have recognised it as such.

Judge Story, 1 Comm. on Const. 191, says: "A State which possesses this absolute power, [*jus summi imperii*.] without any *dependence* upon any foreign power or State, is, in the largest sense, a sovereign State." And, at pp. 199, 201, 202, he goes on to negative the separate sovereignty and independence of the individual States. In every one of our States, the highest authority (not foreign, but from without) is exercised within their respective limits, abridging their sovereignty.

These authorities warrant me (said Mr. Turner) in laying it down as settled, that in this country, under the people, the supreme power, as it respects some of the highest attributes of government, is clearly vested in the Government of the United States by the constitution of the United States.

But it is contended that the several States which compose the Union are also, at least for certain purposes, sovereign within themselves; which is admitted. But it is important to examine the reserved powers, and to compare them with the powers of the Union, to see more particularly what has been given up. If this State be sovereign, in the sense we have been considering, it must possess the *jus summi imperii*; it must be a State that governs itself without any dependence on any other power, and without being controlled by any such power. A State completely sovereign and independent, among other powers, may levy war and contract alliances; send ministers, and receive foreign ministers; determine, through the people, the nature of its own government; make all its own laws; divide, or even dispose of, its own territory; raise and maintain armies; establish and regulate commerce; coin money, and regulate its currency; establish an independent judiciary; punish all offences committed within its jurisdiction; establish post offices and roads.

These are essential powers and inseparable incidents to all fully sovereign States; and yet nearly every one of them is expressly taken away from the individual States of the Union by the constitution of the United States, and

those that are not so taken away and prohibited are more or less restricted or abridged.

Can the State of Rhode Island levy war, or contract alliances? Can she send ministers abroad, and receive foreign ministers? Can she adopt any other than a republican form of government? Can she make all the laws in force within her limits? She cannot naturalize a foreigner, pass a bankrupt law—certainly not while an act of Congress on the same subject is in existence. Nor can she pass a law relating to the branches of jurisdiction that have been surrendered to the General Government. Can Rhode Island divide or dispose of her own territory? Can she raise or maintain armies? Can she establish and regulate commerce? Can she coin money, and regulate its currency? Can she establish a judiciary independent of that of the United States? Can she punish all offences committed within her jurisdiction? Can she establish post offices and roads? Every one of these questions must be answered in the negative. This State has parted with the powers that have been described.

What attributes of sovereignty then remain to her? There resides in the people of this State the sovereign power to adopt and change their constitution and form of government, subject to the limitation in the constitution of the United States, that the new constitution shall be republican. The State also possesses and occupies the field of local jurisdiction over matters confined to its own limits.

The amendment to the constitution (art. 11) which provides that "the judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against any one of the United States by citizens of another State, or by citizens or subjects of any foreign State," is only an exception, and shows the extent of the national sovereignty, and the corresponding limitation on the other side. A State is still suable. It may be brought by a State before the supreme court of the United States, and adjudicated against. Could this be the case if it possessed the highest degree of sovereignty?

No individual State, therefore, either does or can possess the "*jus summi imperii*"—the highest sovereignty in the last resort. As it is against this sovereignty that the offence of treason must be committed, and this sovereignty resides in the United States, then I am prepared (said Mr. Turner) to assert that no treason can be committed against a separate State, and, consequently, that no State can constitutionally punish as treason any act done toward a State. If the act amount to treason, the United States courts only have jurisdiction of the offence, as a crime against the United States. If it be not treason against the United States, then it can only be considered and punished as a misdemeanor, or some less offence, by the State. In either case, the present indictment cannot be sustained, and the prisoner must be acquitted.

Such I contend (said Mr. T.) is the true construction of the constitution of the United States, and such to have been the early and contemporaneous construction put upon that instrument by the States themselves.

In the debates of the convention that formed the constitution of the United States, Mr. Madison and other distinguished members expressed opinions to the effect that treason could be committed only against the United States, on the ground that it was an offence against the sovereignty, "which can be but one in the same community."



Does the constitution of the United States justify the construction which is given to it on this point ?

Two great offences requiring to be guarded against as dangerous to the general safety and peace, are piracy and treason ; and it would seem that the framers of the constitution intended to put them both within the exclusive jurisdiction of the courts of the United States ; for it is impossible to suppose that they deemed piracy more of a national offence than treason, when piracy has for its object a wrong to individuals only—being but “robbery on the high seas”—while treason, in this country, can be aimed only at political institutions, and is general in its effects, extending beyond the State where it originated. The apparent distinction made between these two offences in the constitution, doubtless arose from this circumstance—that, whereas the offence which they intended to punish as treason had been accurately and technically defined for above 300 years—in fact, ever since the act of the 25th of Edward III, in 1350—it could be clearly defined in the constitution, and so as to cut off all pretended and fictitious treasons. The constitution did so define it, and left to Congress the duty only of providing by law for its punishment.

But with regard to the other offence—that of piracy—the case was entirely different. What acts should or should not be deemed piracy, it was not well settled, and could not at that time be easily settled ; and what the punishment should be was also a matter of doubt. In England, formerly, piracy had been adjudged *high treason*, (3 Inst. 8 ; ) and our own history shows that other acts—the slave trade, for instance—are now declared to be piracy, which 50 years ago were no crimes at all in law [See Federalist, No. 42, pages 209, 210 ; No. 43, page 216 ] The framers of the constitution, therefore, deemed it expedient (as Congress, of necessity, would have to pass laws providing for the punishment of both offences, and as the slave trade was to continue to a later period,) to leave it to them both to define and punish piracy, while they were required only to *punish* treason. No State in the Union, it is believed, has ever pretended to any jurisdiction in cases of piracy, and to this day it is considered as within the exclusive jurisdiction of the courts of the United States ; although every State in the Union, situated on the sea or navigable waters, has probably punished acts as larceny, which, if committed only a few leagues from the same place, would have amounted to piracy under the laws of the United States. And so of treason : an act may be done against a State, which, if done against the United States, would be treason, and yet not be treason against the State ; in the same way that, formerly, homicide would have been deemed *petit treason* only in respect to the individual upon whom it was committed.

What has been the practical construction put upon the constitution, on this point, by the several States ?

During the war of the Revolution, and down to the adoption of the federal constitution, the States considered themselves, and considered each other, as independent States ; and that was the basis of the confederation. Yet New Jersey, Delaware, Maryland, Virginia, and North Carolina—all of which States adopted constitutions in 1776, and New York in 1777—under the recommendation of the Continental Congress, made no mention of, or provision for treason, in either of their constitutions. The same may be said of Massachusetts, whose constitution was adopted in 1780 ; and the same of Vermont in 1786 ; of Georgia in 1789 ; of South Carolina and Pennsylvania in 1790 ; of New Hampshire in 1792 ; being all the original

thirteen States of the Union, except Rhode Island; and not one of them, by their original constitutions, contemplated treason as a *State* offence. Kentucky, a new State, in 1792 first made it a constitutional State offence, defining it as in the constitution of the United States. But in 1799 she adopted a new constitution, and omitted the provision altogether. Tennessee in 1796 had no such provision; nor Ohio in 1802; nor Illinois in 1818. On the other hand, the new States, and especially those holding slaves, have copied into their constitutions the article in the constitution of the United States defining treason, and have made it a State offence;—that is to say, Louisiana in 1812; Indiana in 1816; Alabama in 1819; Missouri in 1820; Mississippi in 1832; Michigan in 1835; and Arkansas in 1836.

In the meanwhile, although all the old thirteen States, except New Hampshire, New Jersey, and Rhode Island, had adopted new, or amended their old constitutions, yet Connecticut in 1818, and Maryland in 1831, are the only States among them that have introduced such a provision.

Therefore it may be said that the cotemporaneous and practical construction of the constitution of the United States has been, that jurisdiction, original and exclusive, of the crime of treason, was vested in the United States courts; and that the assumption of a State jurisdiction over the same offence, as a crime against a State, is entirely a modern innovation, and incompatible with the sovereignty properly belonging to the individual States.

[Mr. Turner, being asked by the court whether, in several of the States whose constitutions contained no definition of treason, the offence was not recognised and punished by statute, replied, that he had not been able to ascertain how far this was the case, not having the laws of the States.]

Such has manifestly been the construction put upon the United States constitution, even by Rhode Island herself. At the May session of the General Assembly, 1777, during the war of the Revolution, and before the confederation, when all the States were severally independent, and sovereign in the highest sense, an act was passed for punishing "*treasons against the United States in general, and this State in particular.*" No doubt, it is believed, can be entertained of their right to pass such an act at that period. The State then possessed the *jus summi imperii*—the highest sovereignty, in the complete sense of the term; and it retained that right unimpaired down to the period of the adoption of the United States constitution; because, by the terms of the articles of confederation, that was a compact between the States as such; and they are, by one of the articles, expressly recognised as *sovereign* and *independent*. The law alluded to continued in force as a law of the State during the whole time of the confederation. But after the adoption of the United States constitution by this State in 1790, upon the *first revision* of the statute laws, which took place in 1798, (having commenced a year or two previous,) the *whole act* was omitted in the then Digest, and repealed as obsolete; while the crime of *petit treason* was retained in the criminal code, and placed at its head. And thus, in point of fact, treason was not regarded by our laws as a State offence at all, until a revision of the criminal code in 1838; when, doubtless influenced by the modern notions and innovations of the *new* States, treason was again declared to be a State offence, and placed at the head of the catalogue of crimes. From which we may learn that, for a period of forty years next succeeding the adoption of the United States constitution, and when its true intention and construction were most likely to be understood and practised upon, this State, both in its legislation and practice, abandoned or conceded

to the United States authorities, and left under the constitution the sole and exclusive jurisdiction over that particular offence: thus furnishing one of the strongest cases of the surrender of an interdicted right that can well be imagined. It is both practical and cotemporaneous; and, as was said by the court in the case of *Stewart vs. Laird* in 1803, (1 Cranch, 299,) "It is sufficient to observe that practice, and acquiescence under it for a period of several years, affords an irresistible answer, and indeed fixed the construction. It is a cotemporary construction of the most forcible nature" (Patterson, J.) The length of time since 1798 to 1838 gave great force to the conclusion at which the General Assembly arrived at the first-named period.

Mr. Turner then took up and examined the clause in the constitution that is commonly relied upon as recognising treason against a State, (art. 4, sec. 2, providing for the delivery of fugitives from justice, charged in any State with treason, felony, or other crime, and found in another State, on demand of the executive authority.) This was borrowed from a similar article of the confederation. It will be recollected that, under the confederation, the States were completely sovereign, and had jurisdiction of, and might punish treason, as well as other crimes of an inferior nature; therefore, the article of the confederation was necessary—in fact, indispensable to the States for the security against offenders. And as all the States were equally sovereign, no original process issuing from one State could take a person charged with crime away from another, without violation of its sovereignty. Nor could the States exercise their rightful jurisdiction in such cases without mutual consent and aid. Such considerations doubtless dictated the article of the confederation.

Under the constitution, treason against the United States, over which the courts of the United States have jurisdiction, might be committed in one State, and the person charged might flee into another, as before; and there is no provision in the constitution to arrest the person so escaping, and take him to the State where the act was committed, and where alone he must be tried, unless it be the article in question. So that the construction of this clause is not necessarily limited, by terms, to State offences as distinguished from United States offences. If the offence were murder, the State alone would have jurisdiction; if it were a high misdemeanor, it might be, according to circumstances, either against the State or the United States, and might be prosecuted in the courts of the one or the other, according to the jurisdiction. If it were treason, then the United States court, sitting in the State from which such person fled, and where the act was committed, would have jurisdiction, and the sole right to try; and might make the demand to have the provision of the constitution carried into effect, in order to accomplish the purposes of justice.

If the reasoning which has been employed be correct, and the views of sovereignty that have been expressed be well founded, there is nothing gained to the advocates of State treason from the phraseology of article 3, section 3—"treason against the United States shall consist," &c. If the words "against the United States" had been omitted, then the general expression "treason shall consist," &c., would have been claimed as including equally the offence against a State and against the Union.

SATURDAY AFTERNOON, *May 4.*

After Mr. Turner had concluded his remarks for the defendant upon the point that treason is an offence against the United States, and not against



a separate State, he took up the second point, before adverted to—that the Algerine law, (so called,) which makes political offences indictable out of the county where charged to be committed, is against common right, unconstitutional, and void; and claimed to be heard upon it.

*The court* declined to hear any argument upon this point, as they had already expressed an adverse opinion upon it in a former case.

*Mr. Dorr* urged upon the court the importance of this point, and earnestly contended for his right to be heard upon it. If he were wrongfully indicted here, the whole proceeding was invalid and void; and a fair trial was not a trial pursued contrary to law.

*The Chief Justice* remarked, that this was not the proper time to hear an argument on this point; but that it could be properly considered after verdict, should this be desired by the defendant.

*Staples J.* remarked, that this and other questions, which would now interrupt the case, would be properly heard after verdict, and before sentence.

*Mr. Dorr* said he despaired of being able to say anything which could change the determination of the court, though he had expected to be heard upon this question in this stage of the case, after having withdrawn his plea to the jurisdiction. He was now satisfied, from the action of the court, that they intended to withhold from him the fair trial to which by law and justice he was entitled.

*Staples, J.*—If I were in your place, Mr. Chief Justice, I would not hear such language as that from counsel, whatever the prisoner may take the liberty of saying.

The defendant excepted to the ruling of the court. *Mr. Turner*, for defendant, then took up the third point: that, if the defendant were properly indicted here, he could not, according to law, be tried here, as the Algerine act, in derogation of the right of trial in the county where the offence is charged to be committed, had made no provision for a trial out of the county.

On this point, the debate was renewed between Messrs. Dorr and Turner and the court.

*The attorney general* remarked, that this and the preceding point were involved in the plea to the jurisdiction, which the prisoner had withdrawn.

*Mr. Dorr* said the plea was withdrawn in order to obtain a speedy trial by jury; but that he had not waived his right to raise the question in another stage of the case.

*Mr. Turner* referred to some authorities to show that this point respecting the jurisdiction of the court might be raised during the trial of the case.

*The court* refused to hear any argument until after verdict, as they had considered and decided this point in a former case.

Defendant excepted to the ruling of the court.

*Mr. Bosworth*, for the State, then proceeded to make some remarks on the question of treason, as being, in the opinion of the prosecution, a State offence. He admitted that treason could only be committed against the sovereign power of a State, and also that the sovereign power in a State resides in the people, as organized and defined by law; and it was therefore unnecessary to consider or reply to the long list of authorities which the defendant and his counsel had introduced. He must, however, deny *in toto* the doctrine of defendant's counsel, that the whole people of the United States are sovereign in this State. The States, he contended, were as sovereign as ever within their own jurisdiction, although they had given up

certain powers to the General Government, which was also a sovereign, but not over the States.

What reason is there why acts which amount to treason should not be punished as such by a State? Without this power to punish, a State cannot protect, defend, or preserve itself.

Treason may as well be committed against a State as against the United States; and the power of punishing it has not been surrendered to the United States. The constitution defines treason against the United States only; and it also provides that a person charged in any State with treason, &c., and who flees from the same into another, shall be delivered up on demand of the executive to the State having jurisdiction of the crime—thus recognising the offence of treason against a State. Besides this, in many of the State constitutions, and in many more of the State laws, treason is defined and punished as a crime against a State, as well as against the United States, when it takes that direction. Writers on law also so regard it; and, in proof of this, he read a number of authorities: 2 Swift's Digest, 264; 1 Story's Commentary on Constitution, 199; 6 Dane's Abridgment, 686-7-8; 4 Tucker's Blackstone's Commentaries, Appendix, 20, 21; Rawle on Constitution, 142; 14 Johnson's Reports, 549; 1 Story's Reports, 614—containing Judge Story's charge to the grand jury at Newport, in June, 1842, which Mr. B. said contained a clear and decided view of the powers of a State, in a case like the present, to defend itself, and to try and punish the offence of treason.

The prosecutor offered to put into the case the proclamation of General Jackson against South Carolina, at the period of a threatened nullification. The court said it was hardly an authority. The defendant did not object; but said, if it were admitted, he should offer other messages and documents of that distinguished individual.

The attorney general did not put it in.

#### MONDAY MORNING, May 6.

Mr. Dorr spoke at considerable length, in the close of the question on his side, respecting treason as an offence against the United States, and not against a State.

There are, he said, three questions to be considered: What is treason? What is the sovereignty against which it is committed? Where does this sovereignty reside in our country?

Treason had been already defined and commented upon. It is the *crimen læsæ majestatis*, the accusation or crime of injured majesty, and was primarily aimed at the life of the king, as laid down in 3 Inst. 2, S. It was an attack upon the existence or authority of the head of the State. The definition of it here, (though there was an extraordinary exception in this State,) was the levying of war, or aiding and comforting public enemies.

The authority against which treason is committed is, according to the definitions of the books, the "*jus summi imperii*," the authority of the "supreme liege lord," or of the "supreme sovereign lord." Burlamaqui vests the sovereignty of a State in him who commands in the last resort. This rule applies to monarchies, and more especially to despotisms, in which only it can be strictly said that an individual commands in the last resort with absolute power. In every State there is and must be an ultimate power, beyond which there can be no greater, except the divine; but, in a republican country, it is not vested in an individual, or in a number of

individuals; but in the people, by whom and for whom governments are created, and unto whom they are responsible.

In noticing the attributes of this sovereignty, the author last cited goes on to say that there is no sovereignty where there are many to exercise it, referring to the king as the head of the State. It is everywhere an undivided power, of which there can be no share or partition. There cannot be two sovereignties in a State. The writer adds, that the sovereign has no superior on earth; that he is not liable to punishment; that he is above all human or civil law, and subject only to the divine law.

Blackstone speaks of the sovereign authority as supreme, absolute, irresistible, and uncontrolled.

One of the highest attributes of sovereignty is the power of war and peace, the surrender of which by one State to another constitutes the latter a sovereign in a pre-eminent degree.

The doctrine of foreign writers, though it does not apply, in form, to American institutions derived from the people, yet applies in principle. The sovereignty here is not vested in emperors and kings, or in kings and parliaments, or in governments in any sense; but in the people themselves, who, through certain organizations of their own making, or approved by them, and with the aid of a representative action, constantly exercise what is commonly called self government—perhaps, more properly, the power of governing one another.

Vattel recognises the right of the people to alter the arrangements of government by a new edict; and such a right is the foundation of all our institutions in this country. To deny it, is to deny the right and the capacity of the people to be free, and to prefer the aristocratic and monarchical systems, which were cast away, it was supposed forever, at the period of the revolution of 1776. The sovereign power here resides not in the legislature, nor in either of its branches, nor in the governor, nor in the courts, nor in government in any mode or form. A sovereign legislature, or representative or senator, a sovereign governor, or a sovereign judge, are solecisms which would sound strangely in American ears.

[Mr. Dorr said that he should go into the American doctrine of the ultimate and supreme sovereignty of the people the more fully on this occasion, though the consideration might lead him away from the precise point before the court, inasmuch as his views had been misrepresented, and in reply to the questions which the judges had themselves propounded. While Mr. Turner was putting in and commenting on the authorities, several questions were asked by the court, and replied to by Mr. Dorr, such as the following: Durfee, Ch. J.—whether the people mentioned in the authorities as sovereign, were not the organized legal people, recognised as such by constitutions and laws; whether the right to make, alter, and amend governments, asserted in the declaration of independence, was not a belligerent right, claimed for that occasion, and necessarily supposing force and war; whether the sovereignty of a State be not necessarily a unit. By Haile, J.—whether those who exercise the highest powers of government in a State are not sovereign. By Staples, J.—whether *the* people does not mean the legally recognised political people. By Brayton, J.—whether the sovereignty is vested in individuals, so that ten men (for instance) could make a constitution for themselves; whether the people at large, by a vote, independently of forms, could pardon an offender against the laws. The substance of Mr. Dorr's replies is here presented in a connected form.]



None of the definitions before given of sovereign power can apply to any of the branches of a republican government, or to any of the officers under it, nor to the political or legal people themselves; for they are the creatures of the constitution, and act as they are there empowered. And yet there must be somewhere a power greater than political institutions, or they never could have come into existence. The people existed before the State. They were not created by it. How can there be a State without a people, before a people? The doctrine of our adversaries strangely reverses this position of things. They look to the State for the rights of man. We look to the men of the State themselves, as endowed by their Creator with certain rights, which cannot be justly alienated or taken away, and in the exercise of which political societies and states originated, can be changed, abolished, reconstructed, amended, as convenience or necessity may require.

Of what constitution, government, magistrate, or voting body in this country, can it be affirmed that he or it has no superior; is above all human or civil law, and subject only to the divine law; is supreme, irresistible, and uncontrolled? Of what magistrate or voter in any State in this country can it be affirmed that he is not liable to punishment? We are driven to the conclusion, then, either that there is and must be a power greater than any constitution, or any political body, or authority established under it; or that there *is no* sovereign power in the people of any of our States, or of the United States. If the latter alternative be true, then a government, having come into existence some how or other, becomes a fixture, and is clothed with a self-perpetuating power; and the only advantage that we have gained over the institutions of the old world was in making a better start on the republican plan. If we had started on the aristocratic, then there could have been no change without the permission of the aristocracy, who would have possessed the government; and if the republican constitution should become defective, and a minority holding power under its form, possessing the government, should not see fit to accede to the desired reform, and deny the petition of the majority, there is no remedy but submission or emigration. Will such a doctrine as this be tolerated for an instant by the American people? If so, then the principles of '76 are a mockery; and the people of '76 are dishonored in their graves by their unworthy descendants as successful traitors, instead of being venerated in perpetual memory as the asserters and defenders of the inherent, unalienable, and unchangeable rights of their race.

If there be any sovereignty, (as doubtless there is,) it cannot be in the government, but must be in the people, in their original capacity, standing on the outside of the political society, living under government by consent and for the general good, and possessing, of consequence, the right to change it when the greatest good shall so require.

This sovereignty cannot be in the people as voters under a constitution; for the constitution makes them such. They act according to the rule prescribed, and are subject to various regulations affecting more or less the right of suffrage; and they are punishable in several forms for misusing the right of suffrage. How, then, can they be, in this capacity, the sovereigns of the State? They can be such only as members of society, and as tenants in common of its reserved and ultimate powers. The voters of the State, so far from being the sovereign power, may be a minority; and a small minority of the whole people, as in this State, under the charter government, ruling the rest by sufferance, without responsibility; and, if the

doctrine of our opponents be true, with an authority fixed and unalterable, except by their own mere motion or concession. In this State, we had either a sovereign minority, or a sovereignty of the people at large; for the voters were but a fraction of the adult population.

As it regards the exercise of this sovereign power itself, in the last resort, independent of all constitutional and legal provisions, although theoretical difficulties may be suggested, the usages of the race to which we belong furnish a practical solution of them; and it is not the friends of popular rights that find any difficulty in ascertaining who are the actual residents, the mature men, of this or any other community.

What we contend for is, not a sovereignty of individuals, but a tenancy in common of one sovereign power, manifesting its will and action through the voice of the majority of the whole number of the people. The individual man cannot set himself up against the political society to which he belongs, and become, as one of the witnesses claimed to be, "a nation of himself." The natural law of the greater good here intercepts the conflicting will of the individual and of the minority. It is a part of the natural right, if not of the social instinct, of individuals to associate in the formation of government; and the object of government is, the better to define, secure, and protect natural rights. If the assent of every individual were requisite to the formation of government, this great end could never be accomplished. The majority stands opposed to the minority or to the individual. Natural justice dictates which party should yield to the public welfare. This is a rule anterior to all legislation or compacts, and lies at the foundation of the social system.

It is true that the general mode of amending the governments existing in this country is through the action of those who are qualified to vote under them; and why an exception to this mode occurred in Rhode Island, will be considered presently. But we are now speaking of the ultimate right, in the last resort, underived from government itself, original and subsisting in the nature of man, but only recognised in our own country. The body of voters, who obtain their authority to vote from a constitution which was made before they were born, cannot be said to be sovereign under it, in any other than a limited and qualified sense. When an amendment of a constitution, or a new constitution, is submitted to them, they exercise the high function of passing upon it, for ratification or rejection, as the agents and representatives of the whole community, of the whole body of the governed, and by their sufferance or acquiescence. The actual voters may thus be said to perform a sovereign act, in behalf of the greater body, which includes themselves and the whole mass of the people. But the power is derivative and permissive, and the act is secondary, and dependent for its validity upon the continuance of that assent of the whole people, upon which our form of government rests, and which is ordinarily implied rather than expressed.

It is only in a secondary sense that the State is sometimes called sovereign. It is a political association, formed by the people and for the people, and represents their sovereignty, of which it is the reflection. The people may possess and reserve more powers than they choose to part with to the State. But the State, in this country, can never possess more powers than the people, except by usurpation, or gross neglect to repair the decays of existing institutions.

The difficulty in this State of appreciating the true source of power,

arises from the want of any visible evidence of it greater than that of the legislature. In other States, the constitution stands forth as the permanent form of the popular will. It binds and governs the legislature as well as the people. It prescribes the limits of legislative action, and is a constant restraint upon the tendency of legislative bodies to strengthen themselves by absorbing new forms. In this State, we have been living since the revolution, without any check upon the General Assembly, except the constitution of the United States and the election by the freeholders; before the revolution, the home government was the superior, and might be appealed to to redress grievances. But even then, the old charter was altered at pleasure, and the elective right was enlarged and contracted at pleasure of the government, representing a small portion of the community. The General Assembly had so long acted according to their mere will and pleasure, that they deemed themselves, and became virtually, omnipotent within their sphere; and we now hear the people, who had become tired of waiting to receive their right from the action of the minority Assembly, and who undertook to exercise the American right of sovereignty, denounced as conspirators and traitors against the government!

In other States, the legislatures have acted within bounds. They have been restrained by a fixed constitution—fixed till changed according to its forms, or by an act of the majority of the voters, or by an authentic act of the majority of the whole people, duly made known to the existing government. And when the people on the outside have called for an extension of suffrage, and for still more extension, and for other reforms, they have been respectfully attended to; and all the changes have taken place that have been asked for. Rhode Island furnishes the exception; and here all that has been obtained has been extorted. Let the blame rest where it belongs.

There is a gradation of powers in the State, and a harmony in the whole. The Executive carries into effect the laws, as decided by the court. The court is bound by the laws enacted by the legislature. The legislature can only enact laws conformably with the authority vested in it by the constitution. The constitution is derived from the people, and is voted for, ordinarily, by the qualified voters at the time, acting in behalf, and with the implied assent, of the whole people. Behind all, stands the absolute sovereignty (above and greater than all political forms and institutions) of the political community of the whole people, rarely, but freely and faithfully, to be exercised as great exigencies may require. There, there is no confusion—no jostling of powers. The executive does not intrude himself upon the bench. The bench do not claim to legislate. The legislature does not pretend to alter the constitution. The qualified electors, who compose a part of the sovereign body of the whole people, but are not the ultimate sovereignty, will never, in the event of a great public exigency, be found, without unjust aid, in opposition to the will of the majority of the whole number.

Whatever may be the ultimate powers of the people who compose the sovereignty in the last resort, there is no probability that the people will deviate from the natural order which has been suggested. It is wholly impracticable, if not impossible, for the qualified voters, or the sovereign body, to take upon themselves the functions of making, interpreting, or executing the laws, or of pardoning offenders in States like ours. This work must necessarily be done by agents chosen to do what the people cannot



so well do for themselves— by legislators, judges, governors, and other magistrates and officers. In this State, where the people have been so much abused for attempting to gain their rights, and where one might suppose, from the representations that have been made, that “chaos had come again,” the whole proceedings were orderly and regular; the whole system of laws was preserved, (so far as not inconsistent with the new constitution,) and subject to the action of a new legislature. All officers were continued in office until their successors should be duly elected and appointed; and thus a natural and easy transition was provided from the old order of things to the new. The old machinery of the State, so far as laws, property, and civil rights are concerned, was kept a-going; and the change consisted in an enlargement of the premises for the sake of greater convenience, and in the application of a new moving power.

The right asserted is not the right of stopping the wheels of government, of intercepting the administration of justice, of overthrowing the legislature, and producing anarchy. The government has the force of one while it lasts—it stands till it is changed. Till it be changed in the manner described, there is no evidence that the people have acted; and they who assail it, do so at their own risk. The object of the people of Rhode Island was not to overthrow the government, but to continue it under the definite forms of a written constitution; and when this new government went into effect, the other rightfully ceased. Those who held on to this old government, after it had been thus properly superseded, were the opposers of the government, were concerned in the work of pulling it down, and in reality committed all the treason of 1842.

This principle of popular sovereignty, as thus explained, is of inestimable importance and value to the American people. It marks the grand distinction between their own and foreign nations. In the latter, the sovereignty is vested, not by right, (for the natural rights of man are the same everywhere,) but by theory, in the government; while here, it is vested in the whole people.

There is a guaranty in this principle, and by the effect of it, that all necessary reforms in government shall take place. The certainty that there is a mighty hand behind the scenes ready to be stretched out when justice has been long withheld and patience is exhausted, and reform through the ordinary channels is hopeless, is a perpetual caution to those who hold power to respect the will of the people, and to do right seasonably, and without the irritation of frequent refusals.

Though it is to be hoped that all reasonable amendments in our political systems will take place as the general welfare and public opinion shall demand, and through the accustomed forms, yet it may become necessary to go out of these forms, and to exert the popular sovereignty in such manner as the people at large may deem expedient. Suppose the government of a State should fall through, from neglect or inability (as during an invasion) to comply with the provisions of the constitution for the election of public officers, or through the act of the legislature itself: the staunchest friend of “law and order” would admit that such a case, and, from the necessity of it, the community, might set themselves at work to reinstate the constitution, and to set in motion the machinery of government. We extend this rule of necessity for the public welfare still farther in extreme cases, setting rights above forms.

Suppose, again, that in some State the representation, though originally

fair in its distribution to the towns, has become grossly unequal, by changes of population, so that the majority of representatives are elected by a small minority of the people, and these representatives refuse to take any steps to amend the constitution: is there no remedy in such a case? What remedy is there, when others have failed, except the intervention of the sovereign power?

Suppose the right of suffrage also to degenerate, through some arbitrary qualification of the voters, and to become confined to a small portion of the inhabitants, who persist in holding on to this inequality, against all remonstrance: is there no remedy for such an injustice in this republican country? Put the two cases together, to make the difficulty more intense, so that the majority of the representatives shall represent but a small minority of the inhabitants, and a small minority of the inhabitants shall choose these representatives—while the great body of the people stand without, and knock in vain at the door of the legislature: again, is there no remedy? Must the people wait forever? Two-thirds of them would say no; and would be for applying the sovereign power, after they had knocked long enough at the bolted door. Would they not be right in so doing? If it should be said that no such case can happen, we reply that it has happened in Rhode Island, in the compound form before mentioned; and that it may happen again, in the mutations which time occasions, and even in a State possessing a written constitution.

Further, this doctrine of ultimate popular sovereignty is necessary to give a sense and a meaning to our State constitutions. The opponents of this doctrine are obliged to pass over, as mere surplusage, an important portion of the declaration of rights in these constitutions, or most of them; while, on our side, we give effect to the whole. Our opponents say, that the only way in which a constitution, containing a provision for its own amendment, can be changed, is through this article of amendment; and they are consequently obliged to treat as a nullity the clause in the declaration of rights, which affirms the right of the people, of the governed, of the community, of the majority of the inhabitants, to make, alter, and amend their government, when and how they please. We, on the other hand, construe these parts of the constitution together, and give full meaning and effect to both. We say that the political people, qualified under the constitution as voters, have a right to amend it in the mode prescribed for the sake of convenience, and which, in almost all cases, will be followed and adhered to. We also hold that, when this mode does not exist, or has become defective, or is not permitted to operate for the end desired, the voters themselves, and, for a much stronger reason, the whole people, or a majority of them, have a right to intervene without forms, and to amend their political system—admitting, at the same time, that this is a work which can rarely be done; that constitutions are made to last, and, like the planetary system, are set in motion, with inherent sustaining powers, which cannot often require the intervention of the hand that created them. We also give a meaning to the various declarations of rights that have been put forth in our country, commencing at the period of '76, which our opponents are obliged to explain away as "flourishes of rhetoric."

And what is the answer to all this? That the doctrine of popular sovereignty is untrue; and the principal reason is, because it is dangerous. We deny both the conclusion and the reason; and assert that it is both true and safe.



It is the American doctrine, the doctrine of our democratic republic, which rests upon this basis. Mr. Dorr called the attention of the court to the declaration of American independence, which was re-adopted in this State, and to the declaration of the freeholders' convention in 1790 in this State, which was called to ratify the federal constitution, as most explicitly avowing the right of the *governed*, and of posterity, to make, alter, and amend the forms of government. Mr. Dorr also contended, in opposition to the doubt expressed in the query of the Chief Justice, that the rights set forth in the declaration of independence are valid and subsisting, independently of the means to carry them into effect; that these rights are as just now as they were in '76, and were not then asserted rhetorically for a single occasion; that although force was necessary to carry them into effect, as then avowed and exercised, the declaration would have been just as true if Great Britain had consented to a voluntary separation. Mr. Dorr said that what was a revolutionary right merely, a right of war, in countries where the sovereignty was not held to reside in the people, had here, by the act of the people, been transplanted into the pale of government itself, by our declarations and constitutions, which recognise the right of the people, on the outside of all organizations, to act for themselves. A right which is thus recognised, though in a general way, and, of course, without prescribed forms of proceeding, ceases to be revolutionary, and has become regular and definite.

Mr. Dorr alluded to the opinions of some of the framers of the federal constitution, and of the most eminent statesmen and jurists of our country, of both political parties, as asserting, in the strongest manner, the ultimate sovereignty not merely of the voters and organized legal people in the States, but of the whole body of the people, who, in the language of Chief Justice Jay, of the Supreme Court of the United States, "are equal as fellow-citizens, and as joint tenants" (more properly, perhaps, tenants in common) "of the sovereignty."

Mr. Dorr alluded to the consequence of the opposite doctrine, as expressed by one of the court, that "they are sovereign who exercise the highest powers of government;" in which case, the legislature, being sovereign, might abolish the rights of suffrage and representation, dispense with the constitution, and vote themselves a permanent aristocracy.

Mr. Dorr regarded the fact, that the political reforms that have taken place in our States have been made through existing organizations, not as disproving the right to make them in another way, but as showing a disposition to do justice in time, so as to save the necessity of any unusual action; a disposition which it was to be regretted had not been manifested in this State.

[Mr. Turner alluded to the case of the people of Michigan, who, at voluntary meetings, voted to accept the conditions of admission into the Union, after they had been rejected at legal meetings; which vote was deemed sufficient by Congress, who looked more at the will of the people, than at the form in which it was expressed.]

Mr. Dorr also recalled attention to the fact, that the convention who formed the constitution of the United States were not requested or authorized to perform such an act, but only to amend the articles of confederation; and that they proceeded on their general authority as representatives of the people. The constitution was submitted for ratification to conventions chosen by the voters in the States, notwithstanding that, by the articles of



confederation, no alterations were to be made in these articles, unless such alterations, after being approved by Congress, should be agreed to by the legislature of "every" State. The constitution was to be considered as ratified by the votes of the conventions of "nine" States. The people at large had more right to vote upon the constitution, than the delegates had thus to disregard the solemn pledge of the articles of confederation.

The doctrine of popular sovereignty is true, and it is also safe. Mr. Dorr gave some reasons to show that the fear and distrust of those who regard it as leading to the overthrow of all valuable rights and institutions, and to general anarchy, is groundless and imaginary. Mr. Dorr said, that men are nowhere disposed to resort to extreme measures, and, in the language of the declaration of independence, "all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." We belong to a race proverbially attached to old habits and usages, and who do not change too easily. The striking fact that the people of the States have always preferred to look to the existing organizations (without, however, looking in vain) for such political changes as they needed, is a very strong proof that they are in no danger of abusing the sovereign power, or disposed to interfere with any existing organization, but from what they consider extreme necessity, growing out of a long-continued, persevering, and hopeless denial of justice.

The great security for the discreet exercise of this power lies in the establishment of universal suffrage; for where this exists, the sovereign body, the people at large, become so nearly identical with the political or legal people, that it becomes very difficult, or hardly possible, for any disputes concerning government or political reform to take place between them. The people except in some such extreme case as has been before alluded to, can accomplish, under existing forms, all the changes that are desired or desirable, and are not likely to fall into controversies about the mode of action. Universal suffrage thus becomes in the body politic like the broad base of a pyramid, giving such strength and permanence to the superstructure that it cannot be overturned, and rendering it proof against time and decay. Universal suffrage, strangely as it has been disparaged and deprecated by some of our politicians, is thus a conservative element of our institutions; and the free suffrage States are the strongest and the safest.

In the review of political reforms, Rhode Island constituted the exception among the States. Here, the people at large and the legal people were widely distinct and separated—the latter being but a small minority of the whole, holding their privileges with a tenacious grasp, and refusing to share them with their brethren of the community. Two opposing interests and parties were thus created, through the default of those who neglected or refused, at different periods, to extend suffrage. Time widened the breach, and thus resulted the conflict of 1841-'42. Such a conclusion of affairs was predicted by one of the ablest public writers of the State, twenty-two years before it took place.

Mr. Dorr then proceeded to inquire against what form of sovereignty treason can be here committed. He said it can unquestionably be committed against this State, unless some of the attributes of sovereignty, which draw after them the offence of treason, have been parted with from the States to the United States.

The defendant then stated that he desired most expressly to repudiate

the centralizing doctrine of an all-absorbing national government, if, from the indefinite language of any of the authorities, or from any of the remarks of his counsel, such a doctrine had been inferred on the other side; inasmuch as he (defendant) adhered to the State rights construction of our national system. The National Government, under the constitution of the United States, was not formed by the aggregate mass of the people of the United States, but was in the nature of a compact among the several States; the people of which act in each, on all occasions, separately, by their own local majorities. As the constitution was not formed by a majority of the whole people of the United States, so neither could it be abolished by them by an aggregate vote, as if it were the constitution of a single consolidated State. The States do not stand in the relation of counties to the United States. It was not a matter here under discussion how the constitution could be changed in a manner other than that contained in its mode of amendment. What the defendant wished to be understood as contending for, was, that this State, at the Revolution, separate, sovereign, and independent, had voluntarily become a member of an association or union of States, and had, with the rest, conveyed to the General Government many of its most important original powers, retaining, however, in a sovereign capacity, all the rest as completely as before. The United States, therefore, could not exercise any general sovereignty over the people of this State, but only in certain delegated functions, and for certain definite purposes. The people of this State are still sovereign in making and altering their government, with the single distinction that it must be republican in its form.

The question is, whether the power to define and punish treason be not vested in the United States exclusively, by the purport of the constitution, and from the nature of the powers conveyed.

Under the confederation of the States, the General Government was a government over States. Under the constitution, the government reaches individuals; thus exercising one of the highest attributes of sovereignty. The defendant then referred to the numerous important powers which had been either given up entirely by the States, or much abridged.

Among them, is the power of war and peace. A State cannot, without the consent of Congress, maintain troops and ships of war in time of peace, or engage in war, unless invaded. The President is commander-in-chief of the army and navy of the United States, and of the militia when called into the service of the United States; and he is authorized to interfere with force in cases of insurrection and domestic violence in the States; though such interference is arbitrary and censurable when made upon the pretext of any right to suppress the action of the people to change their government as they may deem expedient. As treason is the levying of war, when such an offence is really committed, it must be against the war-making power, which also defends against war. The offence is aimed at a State, but it involves the United States.

Conjoint powers may be sometimes exercised by the States and the United States; but they must be compatible with each other, or there must be some reservation, express or implied, to the States. The argument is, that treason, which is defined by the constitution, and punished by the laws, of the United States, excludes all separate State treasons, even if the exclusion be not in express terms. If Congress had not seen fit to legislate on the subject, then it might be a question whether a State had not the power to do so—at least until the legislation of Congress. Piracy has passed entirely



out of the jurisdiction of the States, in consequence of Congress being empowered to define and punish it.

A reason for confining the jurisdiction over this offence to the United States, may be found in the multiplicity of State treasons which may otherwise spring up for political purposes, as in England, and in the great abuses which may grow out of them. As Dr. Franklin observed in the convention which formed the national constitution, "*prosecutions for treason are too generally irrelevant, and perjury is made use of.*"

Though the debates in this convention are somewhat indefinite as to the settlement of this question, it should be stated that, in the opinion of Mr. Madison, (the leading member in that distinguished body,) treason against a State and against the United States involved each other; and, if both might exist, a person might receive two punishments for the same offence. To follow out the idea: Suppose a person captured in the act of levying war by the joint forces of a State and of the United States: to which jurisdiction is he amenable? Can he be tried by a State court and acquitted, and then be tried by a court of the United States, convicted and executed, or the reverse? Can State and United States offences be possibly commingled in this way?

As before observed by Mr. Turner, the early State constitutions did not recognise the offence of treason against a State, though it may have been punished by law in some of them.

In this State, treason was made an offence by law in 1777; and the act was repealed in 1798. It was revived in 1838.

Art. 4, sect. 2, par. 2 of the constitution is cited as recognising treason against a State; and provides that "a person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

This portion of the constitution is to be considered in reference to the state of things when it was formed. The States were then connected, under the confederation, by a very slight bond. Treason could undoubtedly be committed against them. It was defined and punished by the States. In Rhode Island, the act of 1777 took cognizance expressly of treason against the United States. Now, as the constitution contemplated no such apparatus of circuits and districts as was afterwards provided by Congress, and as the offence could only be punished in the State where it was committed, the constitution could not otherwise provide than for a return of the fugitive to that State. Does it involve an inconsistency to suppose that the framers of the constitution then had in view the punishment, in and by a State, of the offence of treason, which they had established, and which had been so punishable before? What the courts of the United States were to be, and how to be constituted, was then altogether a matter of conjecture. But the framers of the constitution were determined, at all events, that there should be one mode provided for recovering a fugitive to the State whence he had escaped, to be tried by whatever jurisdiction there might have cognizance of the offence. When the courts of the United States were afterwards established, a mode was provided, through the warrant of a United States judge, for transferring a person so charged to the State where the offence had been committed. But suppose no such provision had been made by law; could not the general power of the State executive, as described



in the part of the constitution that has been quoted, be made available for the same object? By the act of the United States of 1790, if any person, who has knowledge that any treason has been committed, shall neglect to give information of it to the President, or to a judge of the United States, or to the *governor of the State*, he shall be deemed guilty of misprision of treason. If a governor may hold an inquisition of this kind, may he not also recover a fugitive to the justice of the United States?

But, after all, perhaps the more natural construction of this paragraph of the constitution is, that it is only intended to provide for the recovery of fugitives for the higher offences, in which treason, felony, &c. are included, by way of definition, without affirming what are or shall be State offences. The paragraph would thus mean that fugitives, who are charged with the higher offences, be they what they may, shall be reclaimed in the manner thus provided.

[It ought to have been before mentioned, that Mr. Dorr, at the commencement of his remarks on the subject of treason against a State, stated to the court his regret that, in consequence of the absence of his principal counsel, Mr. Atwell, whose severe illness commenced just before the sitting of the court, and upon whom he had depended for all the closing arguments in the case, he was now obliged to take up a question of law of this great importance, with little opportunity to reflect upon it, and with no other knowledge of the authorities than from hearing them read over in court. Being, nevertheless, under the necessity of going on, he felt it his duty to say thus much in justice to the subject and to himself.]

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#### REMARKS OF MR. TURNER.

*May it please your honors :*

*Gentlemen of the jury :—* When you consider the novel character of the circumstances by which I am surrounded ; the high nature of the duties which have devolved on me, as one of the counsel for our distinguished client ; and the deep sense of professional and personal responsibility which a faithful discharge of these duties creates in the mind, you will find, I trust, ample apology for whatever embarrassment may be betrayed by me in attempting their discharge, and will kindly extend to me such indulgent consideration as my position requires.

The circumstances I have said to be of a novel character ; for trials for treason have, happily for us, until the present time, been entirely unknown in this State, and of very rare occurrence in this country.

The duties of which I speak, inasmuch as they embrace the distinct assertion of principles of vital importance to the whole community, of which we are all members, as well as the vindication of the character of our client, may well be pronounced of a high and commanding nature.

And the responsibility, which it is impossible not to feel, arises from a contemplation of the consequences to him and to us, which will result from the verdict you may render in the present case ; which verdict, in a greater or less degree, will depend upon the fidelity and ability with which the defence is conducted.

In view of these circumstances, well may the defendant's counsel, therefore, feel a degree of self distrust and embarrassment, which ordinary cases would neither call for nor justify.

But, gentlemen, in some respects, your own situation is not less difficult than ours; your position as jurors has also its novelty, its duties, and its responsibilities. It is your duty impartially and fairly to try, and true deliverance make, between the State and the prisoner at the bar; and this you, under your oaths as jurors, are to do, according to law and the evidence given you. It is your duty, therefore, attentively and patiently to hear, and seriously and carefully consider and weigh the matter, whether of law or evidence, that may be submitted to you for the defence; we look to you for that on your parts; and, on the other hand, we assure you, on our parts, that it will be our endeavor neither to tax your attention, nor draw on your indulgence beyond what a complete discharge of our own duties may require.

In point of responsibility, gentlemen, there can be no comparison between us. When we shall have faithfully acquitted ourselves of our duty to our client, all our responsibility ends; yours then begins. Neither he, nor the people of this State or country—not our fellow men of this day, nor those after generations that may succeed us, will have cause to inquire after or care for us. But it will be to you that he and they will all look; and all will equally hold you while living, and your memories after death, responsible for the verdict you may render. You are at this moment (and it is the first that has occurred in American history) standing in a position between *popular rights* and *popular supremacy* on the one side, and *legislative assumption* and *oppression* on the other; and although you will decide the immediate fate of one person alone by that verdict, yet upon that verdict hang suspended the destinies of Freedom herself.

By the indictment, our client (Mr. Dorr) is charged with the crime of treason.

Treason, gentlemen, is an offence that differs materially and essentially in its character from most other crimes; in them, (such as murder, rape, arson, &c.,) the injury intended is merely of a personal and private nature; they are directed against the individuals of a community only, and are punished as such. But treason is a crime against an entire community collectively, and it is the highest crime that an individual can commit against a community or body politic of which he is a member. It is, therefore, a *political* offence; and as such it ever has been, and still is to be regarded.

Such being the nature and character of treason, from the principles and structure of American government, its object is generally, if not always, a change either in the form of government, or the administration of it. We are to look, therefore, for its origin in political causes. History will justify me in saying that treason has been most frequently created, and oftenest punished, under the most arbitrary governments, and those whose administration has been most wickedly conducted. Could a full and perfect history of all the proceedings against treason be written at this day, it would present to us such a picture of cruelty, depravity, oppression, robbery, and murder, (sometimes with and sometimes without the *forms*, but always *under color of law*, and avowedly for the better preservation of *order*,) that, as Americans—the citizens of a free country, which has hitherto escaped its desolations—we should turn in disgust and abhorrence from the detail of its monstrous atrocities.

Treason, gentlemen, you must be aware, is a plant of slow growth, for “mankind are more disposed to suffer whilst evils are sufferable, than to

right themselves by abolishing the forms to which they have been accustomed;" and where prosecutions for this and similar offences have been most frequent, it has been invariably found that injustice and oppression have ever been their precursors; it derives its origin most frequently "from a long train of usurpations and abuses" on the part of government; whilst, on the other hand, under good governments, well administered, treason is a crime scarcely known in history.

It is of importance, therefore, gentlemen, that we should turn our attention a moment to the political history of our own State, as well for the purpose of ascertaining the remote causes of the present prosecution, as to fix in our minds the great and broad principles upon which we intend to rely for the present defence. He would not himself, nor shall we in his behalf, seek, by any evasion or subterfuge, to shun the great question you are to try; it is not the *act*, but the *construction* put upon it, which gives importance to the cause; and the question, when stripped of its technical investments, and presented before you in its naked lineaments, is this—*are the people of a State dependent on the will of the legislature alone for altering its fundamental laws, and reorganizing its government?* This is the great question, and well deserving the deepest solicitude and the most profound consideration.

[Here Mr. T. was interrupted by the attorney general, (Blake,) and told by the chief justice (Durfee) to confine himself to the *indictment*.]

It was my purpose, gentlemen, to have reviewed to you the course of legislation pursued by the charter government on subjects out of which this prosecution has grown, and to have enlarged somewhat on the grievances under which about three fifths of our fellow-citizens have labored, in order to have shown to you that justice to them and to their rights had long been not only neglected, but denied; and to have satisfied you that the time had actually arrived for the people themselves to take measures for establishing a written constitution. But from all this I am debarred by the direction of the honorable court, and will ask your attention to matter of the indictment itself.

#### *Closing remarks of Mr. Turner.*

*Gentlemen of the jury:* You will recollect, in the first remarks that I made in opening the defence of the prisoner at the bar, that I proposed to rest that defence on *five points*, which were then stated to you.

"1st. That in this country treason is an offence against the United States only, and cannot be committed against an individual State."

It was my purpose, and we deem it the *right* of the prisoner to have argued this, as well as the other questions of law, directly to you, as the judges, in all capital trials, as well of the law as of the fact; but we were overruled by the court, and permitted only to argue it to the court, in your hearing. What their decision may be, will be made known to you in their general charge. If it sustains the ground we have taken, then you can only acquit the prisoner, because the State courts can have no jurisdiction over the offence laid in the indictment.

Upon the second point of the proposed defence, viz: "That the fourth section of the act of Rhode Island, of March, 1842, entitled 'An act relating to offences against the sovereign power of the State,' is unconstitutional and void, as destructive of the common law right of trial by jury, which



was a fundamental part of the English constitution at the declaration of independence, and has ever since been a fundamental law in Rhode Island." The honorable court would not suffer us to use argument to you, as it was a question of law; nor would they, for reasons which you heard, permit us to argue it to them, on the ground that it was a closed question, decided by them after solemn argument in another case.

A similar decision has been also made on the third point, "That that act, if constitutional, gave this court no jurisdiction to try this indictment in the county of Newport, all the overt acts being therein charged as committed in the county of Providence;" because, being also a matter of law, to be argued to the court, they will not interrupt the progress of the trial to hear it reargued at the present time.

Upon the fourth point, "That the defendant acted justifiably as governor of the State, under a valid constitution, rightfully adopted, which he was sworn to support," which was the right arm of our defence, and which, if made good by the evidence, (all which we had at command,) must have acquitted the prisoner, the court, by ruling out that evidence as irrelevant and inadmissible, have very much abbreviated the labors of us both; and having deprived us of all the technical and purely legal grounds of defence, leave us none except the first and the last,—“that the evidence does not support the charge of treasonable and criminal intent in the defendant.” On this point alone has all the testimony, as well for the government as for the defendant, been introduced.

It has at no time constituted any part of the prisoner's plan of defence against this indictment, to disavow or deny any act by him done; nor would he allow us to do for him that which he would not do himself. All the prominent and leading facts of the case he avows and justifies; and to save himself from misconstructions and false imputations, he has himself presented evidence before you, for the purpose of removing false impressions, disabusing the minds of the jury and the public, and of placing himself, his character, and his cause, before you in a right point of view. With the same view, also, it is, that I will ask your consideration of some parts of the testimony in the case. If the defendant, in what he has done himself, or commanded others to do, has not acted justifiably, and from a high sense of right and duty, he must suffer the consequences of his acts; but if the whole evidence and circumstances go to show that he has throughout acted justifiably, without traitorous intent, and believing himself to be right, with every reason so to believe, then you will give a verdict in his favor accordingly.

The counsel on behalf of the State have been permitted to introduce testimony before you to show a criminal intent on the part of the prisoner as far back as the 3d of May, the time when the legislature first met under the people's constitution at Providence, for the purpose of organizing the State government according to the provisions of that constitution; it is proper, therefore, for me to carry your attention to the testimony back to the same period.

It is in evidence, that on that occasion Governor Dorr and the members elect of the legislature passed from the Hoyle Tavern on Christian hill, through several of the streets of the city of Providence, to a building called the Foundry, where they were to convene, attended by a numerous procession of citizens; and an attempt was made by the witness Burroughs to give the affair something of a warlike character. But the testimony of Salisbury

and Carter places it in its true light. It was a civic procession, with a military escort in honor of the occasion, and to manifest respect in the usual way. There was nothing extraordinary or unusual about it: it was just like that which in a few days will, in all probability, attend the Assembly here, at the organization of the State government for the ensuing political year, according to a long-established custom. And all the testimony agrees that it was conducted in the most orderly manner. The evidence of the witnesses as to the transactions and proceedings at the Foundry fully establishes the facts, that the votes given in the election were duly returned, committed, counted, and reported; that Mr. Dorr, with others, was declared duly elected; that he took an oath of office; that proclamation of his election was made; and that all was done for the full and complete organization of the government, required by the constitution, with the formalities and ceremonies usual on such occasions. The organization was perfected; and all, the governor and the two houses, acted in every respect like other legislative bodies, and as though they had a perfect right so to act. Governor Dorr delivered an address of the usual character; laws were enacted, and others repealed or amended; resolutions were passed; officers both civil and military were elected under the new constitution, and according to the ancient usages of the State; the usual committees were appointed to attend to the transfer of the public property and records from the old to the new officers; in fact, everything that a new legislature could rightfully do, was done in a legislative and proper manner. The prisoner was called and treated as the governor of the State; and having received a greater majority than had ever before been given to any one for the same office, he had every reason to believe, and did truly believe, that he was the constitutional and legal governor, elected by the free votes of a free people of a free State. There can then be no presumption drawn from these facts, that he possessed at that time the traitorous intent charged in the indictment. If he was vested with rightful authority as governor, then he acted rightfully in attempting to enforce that authority. His intention to take possession of the public property for the uses of the State, was fully warranted by the provisions of the constitution under which he acted, and which, as has been shown, he was sworn to support, as well as by a resolution passed by the foundry legislature at that time.

Shortly after the adjournment of the foundry legislature, it is in evidence that the prisoner left the State; and it has been charged by the prosecution that he *escaped* from the State to avoid apprehension, to excite sympathy, and to solicit aid in New York, Philadelphia, and elsewhere, in furtherance of treasonable purposes, and, by the introduction of *foreign* mercenaries, to subvert and overthrow the charter government of the State by force of arms. Upon this point, gentlemen, the evidence is, that, in consequence of indications received that the power and force of the United States would be put in requisition to sustain the charter government, and to defeat the operation of the people's constitution, at a large and numerous meeting of the Suffrage Association of the city of Providence, a resolution passed unanimously requesting the prisoner to go to Washington and disabuse the President of the gross misrepresentations under which he was supposed to act, and to explain there and elsewhere the true nature and points of the question at issue between the two parties who were contending for supremacy in this State. The prisoner in a few days left the State and went to Washington, in compliance with the request before mentioned; and, on his re-

turn, whilst in New York, he addressed a very great assemblage at Tammany Hall, explanatory of the situation of affairs in Rhode Island. The counsel for the State have said that it was a harangue soliciting aid in men and money to carry on a war against his fellow citizens in this State. But it is in evidence by Burrington Anthony, esq., who was present and heard the address, that Governor Dorr in express terms "*repudiated the idea*" of using any force from without the State, except in the contingency of the troops of the United States being brought to support the charter government; in which case, he should expect and gladly receive the aid and assistance of the other States.

Pursuing the chronological order of events, the evidence proves that on the 16th of May Mr. Dorr arrived in Rhode Island by the Stonington train of cars, attended by a few friends who had met him for that purpose at Stonington. He was received at the depot in Providence by a large concourse of his fellow citizens and friends; the whole number, assembled from curiosity or sentiments of respect, was unquestionably very great, although no witness has attempted to fix the number. A procession, however, was formed to escort him to the place of his temporary residence, at Mr. Anthony's, on Federal hill, in that city. This procession, according to the testimony of the witnesses, was composed of from 1,200 to 1,800 men—in all probability, considering the population of the city, they might have amounted to 1,500—a portion of whom (say 300 or 400) were under arms, and, as is usual in Rhode Island, (and I believe everywhere,) did escort duty on that occasion. There was an attempt on the part of the government, but wholly without success, to prove that on this occasion the military portion of the procession was furnished with *ball cartridges*, and thereby to give it a warlike, hostile, and treasonable character; but the whole evidence on this point, when taken together, shows that, like the one before mentioned, its sole purpose was *respect* and *honor* to the chief magistrate, and not *war* upon the citizens, or *treason* to the State.

When the procession arrived on Federal hill, it is in evidence that the prisoner, from the carriage in which he rode, surrounded first by the military, next by the unarmed procession, and last by the spectators at large,—except that a very few personal friends were surrounding the barouche *within* the military lines,—that the prisoner, I say, addressed the assemblage at considerable length, giving in detail a report of his proceedings during his visit to Washington, his reception in Philadelphia, New York, and elsewhere.

The address delivered by Mr. Dorr on the occasion has been the source of much misrepresentation, not entirely confined to irresponsible newspaper publications, but widely circulated throughout the State and the country. He is represented as having, while abroad, excited sympathy, and solicited the aid of men and money to carry into effect the government under the people's constitution, against that portion of the citizens of Rhode Island which adhered to the charter government; and, through the instrumentality of such means, to effect his purpose by force of arms and civil war. The opening counsel for the government took the same ground, and the effort on their part was made to support such representations by proof. The falsity of these statements, gentlemen, is clearly established by the testimony of the government witnesses. On this point, the testimony of Mr. Pierce, (who was in New York, Philadelphia, and Washington at the same times with Mr. Dorr, and who was also one of the commissioners sent to



communicate with President Tyler on the subject of Rhode Island affairs) is clear and explicit: "The prisoner repudiated the idea of bringing force from other States, unless in the event of the interference of the General Government." Mr. Burrington Anthony, who heard Mr. Dorr's address delivered at Tammany Hall, in the city of New York, the tenor of which Mr. Dorr was recapitulating at Federal hill, uses this language: "He repudiated the idea of bringing forces from without the State, unless to repel the force of the United States." These two witnesses, both summoned by the government, testify to the expressions of the prisoner, made before and at the time of the Tammany Hall address; while the only testimony of a contrary character is that of Col. W. P. Blodget and Edward H. Hazard—to which, as it is relied on by the government, I will ask your attention for a moment. Blodget says: "The prisoner said he had been accused of having procured the aid of 500 men from abroad, but the charge was false. He had been promised the aid of 5,000 men, and could have them at any time. He drew his sword, and said it had been dipped in blood, and, rather than yield the rights of the people of Rhode Island, it should be buried in gore to its hilt. I cannot recollect his other expressions used at that time." "I heard no reference to the General Government." Mr. Hazard's testimony is to the same effect, and in nearly the same words; he, however, added, "I am not positive that he made any explanation;" and, on cross-examination, he said: "I have no recollection that the prisoner said the aid would be furnished him in the event of the interference of the General Government—he might have so qualified it." These are the only witnesses sworn in behalf of the State who have testified to this point, except Orson Moffatt, whose testimony is quite vague and indefinite. On the other hand, gentlemen, and in confirmation of the statements sworn to by Messrs. Pearce and Anthony, we have the testimony of Col. B. M. Darling, Col. S. Wales, Mr. Anthony, and Mr. N. Porter. Col. Darling sat in the barouche in which Mr. Dorr was standing at the time; the other three witnesses stood around it, within the space occupied by the armed escort; whilst, by their own showing, Blodget and Hazard, as mere spectators, or rather hearers, were situated entirely without the circle formed by 1,500 or 1,800 men who had composed the procession; they must, therefore, have labored under great disadvantages in hearing accurately, and *may* have been *mistaken*. I think, and I fancy you will think, they *must* have been mistaken: because, gentlemen of the jury, you will recollect what was sworn to by Mr. James Thurber, jr., in relation to Col. Blodget, who, smarting under a conviction of kidnapping at a court in Dedham, came up here to procure the conviction of the prisoner, *if he could*. You can judge, then, under what feelings he must have testified on this trial; and you could not but notice the manner of Mr. Hazard, his apparent willingness to put into this case much that, as a lawyer himself, he must have been sensible was not legal testimony. What had the foolish fears of Joseph Sweet to do with the crime of treason charged against the prisoner by this indictment?—what a cutler said about Parmenter buying a pistol; or the floods of tears that deluged Weybosset street—and who, on another judicial trial before him, is reported to have said that he "did not care a d—n for the letter of the law!" The evidence is with you, and will decide whether, in any degree, the expressions of the prisoner, on that occasion, support the allegation of criminal and traitorous intent charged in the indictment. It is in evidence that, when speaking of the apprehended interference of the Presi-

dent with the United States troops, in favor of the charter party, Mr. Dorr represented such to be the state of public feeling abroad, that, in that event, he should call on other States for aid, in the cause of the people against the President; and such had been the assurance given him, that he could rely, not on 500 only in such event, but on 5,000 or more if he wanted them; but as between the two parties in this State—the suffrage party and the charter party—the former, being a large majority, needed no aid; and, if they did not choose to maintain their own rights, they were unfit to enjoy them. But, if the President should employ United States troops to suppress the people's constitution, and the government under it, other States would be then equally interested, and would be called on for aid. In such case, the question would be entirely changed; because, if the President could, in this summary way, decide on the validity of the new constitution of Rhode Island, he might do the same of other States also. How far the President, by the course he did pursue, by the aid he gave and promised, and by ordering at that time United States troops of a certain description into Rhode Island, succeeded in the overthrow of the people's constitution, is not a fit subject of inquiry here; it is, however, a subject now undergoing inquiry before a committee of Congress.

But, gentlemen, further use has been made of the proceedings on the 16th of May, and, in order to give plausibility to the charge of long pre-meditated treasonable intents on the part of the prisoner, the same witnesses have sought to represent him, in manner and action, as a desperado and a fiend; a man bent on destruction, reckless of civil and social duties, wantonly regardless of human life, and a slave to the worst sort of mad ambition: they have commented on his fiendish looks and appearance whilst making his address, and have spoken of the cheers with which some passages of it were received by the audience, as the yells of fiends from the infernal regions. Although I lived through the log-cabin and hard-cider campaign, I have little knowledge of such things; these gentlemen, however, seem well acquainted with the appearance and yells of fiends; but I shall leave you to compare their testimony with that of Darling, Wales, and Porter, who describe the day as dusty, the wind very fresh, and Mr. Dorr as having been riding, bare-headed, in an open barouche, through nearly the whole city of Providence; and you will then say whether the facts in proof before you will warrant you in drawing the same conclusion that they seem to have drawn from the prisoner's appearance.

It next appears in evidence, that on the afternoon of the next day, (the 17th of May,) the prisoner, in broad and open day, sent a small detachment of men from Federal hill to take possession of the cannon of the United Train of Artillery, in the name and for the use of the State—the result of a deliberation previously had by Governor Dorr and a council of his officers. It has been charged by the prosecution that these guns were stolen, and it constitutes one of the many calumnies which have been heaped upon the head of my distinguished client. If the prisoner was governor of the State, he not only had a right to order possession of these guns to be taken, if they belonged to the State; but he was bound to do so by his oath of office, as well as by a special resolve of the foundry legislature.

There was, however, nothing secret, felonious, or like stealth, to mark the transaction, notwithstanding Colonel Blodget says they were stolen. In the first place, the guns did not belong to the State, but to the company; they were taken, as appears from the testimony of Captain Reed and Lieu-



tenant Studley, by an arrangement made with the prisoner, by consent of all the members of the company; the key was passed to them to open the door for the purpose; and, as has been stated, all was done in open daylight, in the very heart of the city of Providence, without any attempt at privacy or concealment. Upon such evidence, can you believe that these guns were feloniously taken; that the prisoner, to accomplish any object, however important in his estimation, could commit a felony of that description? You do not believe it, gentlemen; nor does any one who has ever known him. The foul and slanderous charge has been made and reiterated against him, solely for the purpose of attaching a stigma to the purity of his motives and the honorable consistency of his character.

It has also further appeared in evidence, that, at the council of officers mentioned, it was determined that on the same night of the 17th of May, 1842, an attack should be made on the State arsenal, situated not far from Federal hill, where were kept in deposit the arms belonging to the State, with a view to obtain possession of them, and thereby prevent their being turned by the charter government against that established under the people's constitution, and secure the use of them for its support against any unwarranted interference on the part of the President in the pending difficulties. It was known that aid and support had been pledged from that quarter to Governor King; and it was also known, as has been shown by the evidence, that the arsenal was manned (to what extent was uncertain) and under the command of a brave officer, Colonel Leonard Blodget, who has been examined before you as a witness for the government, (you are in no danger, I think, of mistaking him for *the other* Colonel Blodget,) with a view to the contemplated attack, the cannon mentioned had been procured, and other necessary arrangements made or ordered by the prisoner. It also appears by the testimony of Colonel Carter, a witness summoned on the part of the State, that when it was understood that Governor Dorr intended to conduct the attack in person, he (Carter) and a number of the officers present endeavored to dissuade him from so doing, as unnecessarily exposing the person of the commander-in-chief; to all which the prisoner, so liberally slandered for cowardice, made this pithy reply: "That he had often publicly stated at the town-house, that when danger should happen, he wished to be found anywhere but in the rear; that he should be as good as his word, and would not send others where he was not willing to go himself."

You will bear in mind also, gentlemen, as relating to this period of time, the testimony of Walter S. Burgess, esq., by which it appears that the prisoner, on the evening of that day, previous to the advance upon the arsenal, had an interview with his confidential friend, the witness, and with him made all the necessary arrangements of his business concerns, private, professional, and fiduciary, for the worst and most fatal event. It seems the prisoner, at that time, held several important trusts; yet, on the very eve of a desperate adventure, as though to give the lie to all the floating calumnies against him, could deliberately arrange and securely guard all the diversified trusts confided to him, whether of a pecuniary or public nature; exemplifying by that act the high and honorable character of his own mind.

To return, however, to the attack on the arsenal. The number of men engaged in that attack has been greatly exaggerated, and is differently estimated by the witnesses who have been called to the stand, as well by the



prisoner as by the government. On the part of the government witnesses, they are variously estimated at from 300 to 500. Henry S. Hazard says 400 or 500. George O. Bourne says 400 or 500, and a large body unarmed. On the other hand, we have the testimony of Colonel Carter, Darling, and Aldrich, all of whom were present taking part in the affair; and, as you will observe, had much better means of knowing the actual number—who estimate them at from 200 to 250. None go beyond that number; and Colonel Carter swears that before they left Federal hill he counted them by sections, and found their number to be 234. So that it seems certain that it could not have exceeded 250 men. It had also appeared in evidence before you, that the night of this attack could not have been selected on account of its darkness, as the first part of it was moonlight; and that after the moon set, a heavy dense fog came on, settled on the earth, and enveloped everything in its folds. So noticeable was it, that Colonel Carter, in speaking of it, said “it seemed like an interposition of Divine Providence.” The witnesses agree that the force under the command of the prisoner, on arriving near the arsenal, took their position in its front, within musket shot of its walls; the two pieces of artillery on a line at some distance asunder, levelled at, and flanking the door or gateway; and a small party of infantry lying in ambush on the ground at the left, in advance, and quite near the gate, so as to rush in whenever that should be opened, to return the fire of the assailants. These dispositions having been made, the prisoner directed the usual and proper formalities in attacking a garrison to be observed. An officer with a flag of truce was sent to demand a surrender of the arsenal, which was refused. Nothing then remained but to take it by force of arms, or for the prisoner to suffer the people’s constitution, and the government organized under it, to fall to the ground; so far as it depended on him, he resolved on the former alternative. The plan was, to make a simultaneous attack with the artillery, for the purpose of forcing the doors of the arsenal, or cause the defenders to throw them open, to return the fire, and then for the flanking party lying in ambush, as has been stated, to rush in at once and overpower the men who were in possession of the lower floor of the arsenal—the number of whom must necessarily be very limited; when all those in the upper part of the building could, in the end, do nothing but surrender. It was, however, ascertained, in consequence of the density of the fog and darkness of the night, that a change of position of the two pieces of artillery was desirable, and they were severally removed nearer each other, and more directly in front of the arsenal gates—remaining, according to the testimony, about twenty feet apart, or as near as they could be conveniently worked. In the mean time, it appears that portions of men, especially after the return of the flag of truce, availing themselves of the surrounding obscurity, began to retire; some leaving the field entirely, and others seeking shelter behind piles of wood that were somewhere near. Even the gallant Colonel Dispean, (according to Carter’s testimony,) who commanded a volunteer company of ninety men, about two fifths of the whole force then before the arsenal, awakes suddenly to the idea *that there was danger there*, and marches his men from the field. Colonel Wheeler, who had been intrusted by the prisoner with the immediate command of the attack, who had himself sent to demand the surrender of the arsenal, and who probably thought “discretion the better part of valor,” before Colonel Carter could look to the further end of the line and back, “had gone off in the fog.” Finding

that the commanding colonel (Wheeler) and Colonel Dispean with his command had left the field—covered by the fog, if not with laurels—parties of other men followed, and passed Carter, who had gone to persuade Dispean to return; so that when the moment arrived for the firing to commence, the force of the prisoner had dwindled down from 250, to from 40 to 50 men only; and the command of them was by the prisoner conferred on Colonel Carter.

When the order was given to fire, the pieces in succession *flashed* only; and being reprimed, flashed again—both pieces thus proving unserviceable, at least for the time being. In consequence of these misadventures, and the delays occasioned by them, the time for successful action had passed. It was now after daylight; the force remaining was totally inadequate; the men hungry and tired; the fog liable to disperse in a moment, and the city troops might place them between two fires, whenever they chose to do so. Under this accumulation of untoward circumstances, the prisoner felt himself compelled to order a retreat, which was accordingly executed with only about 50 men; Colonel Carter with a part of them carrying off one of the guns, and the prisoner with the remaining men assisted in taking off the last—reaching Anthony's, on Federal hill, at about sunrise on the morning of the 18th.

Such, gentlemen, is the history of the attack on the arsenal, furnished by the evidence in the cause. You will however recollect, gentlemen, that you were told by the opening counsel for the State that "the prisoner sought the bad eminence of distinction in crime," "and descended from the *dignity* of a *rebel commander*, and condescended with his own hand to apply the match to light the torch of civil war." The uncalled-for and unwarranted coarseness of these epithets will be passed over without notice; the language was used as applying to the conduct of the prisoner on this occasion, and, with much of a similar character, was doubtless intended to create in your minds the most unfavorable prepossessions towards him, and his general character and conduct. The prisoner is charged with having taken in his own hand a torch, and touched off one of the guns at the arsenal himself. Had such been the case, in my opinion, it would have been neither criminal nor derogatory for the prisoner, under the circumstances, to have done so; the counsel for the State have thought otherwise, and have introduced a witness, Orson Moffatt, to prove it. This witness swears that the order to fire was given by the prisoner, whilst he (witness) "was in the midst of his lines;" and "near enough to have touched him easily" when the gun flashed; "heard Mr. Dorr call for the torch"—"saw him holding the torch," and "saw the other gun flash." Yet, gentlemen, this witness, who swore that he had once or twice that night made report to Colonel Blodget, at the arsenal, of movements on the outside, and also that he knew the prisoner perfectly, upon his cross examination could not name another person on the ground—could not tell whether the prisoner wore a hat or a cap—a belt or not—nor describe the position of either of the guns. You will recollect, gentlemen, that these guns were about twenty feet apart, and within musket-shot of the arsenal, which was thoroughly defended by artillery and infantry both; and, in case of an assault, the doors were to be thrown open, and 5 six-pounders were to be run out and fired; that the witness, if his statement be true—which, by the way, is far from being confirmed by that of Gen. (then Col.) Blodget—must have been aware of these facts; yet this witness tells you that he stood near enough to Mr. Dorr,



to touch him, when he flashed the gun—at a moment, too, when he might instantly expect to receive the whole deadly fire from the infantry and artillery of the arsenal—without any possible motive, other than mere curiosity. Now, gentlemen, can you believe one word of the testimony of this Mr. Moffatt? I do not; and upon the testimony taken by itself, no man but a madman or a fool could or would needlessly put himself in such a situation; it is not in human nature to suppose it possible; and I trust that you will not give to his testimony a particle of weight, the more especially as the testimony of several other witnesses proves it to be groundless. Capt. Wade stood within two feet of Mr. Dorr when the first gun was flashed, and swears that he did not know the man, but that it was not Mr. Dorr. Col. Carter, then in command, swears that he himself gave the several orders to fire; that Mr. Dorr stood close by him all the time, between, and a little in the rear of the guns; that a man named Andrews flashed one, and a man named Hathaway the other; that Governor Dorr had no torch or port-fire in his hand that night; and that Moffatt's testimony, which he had heard, was false. Thaddeus Simmons was one of Gov. Dorr's body-guard, was near his person all night, and swears positively that Mr. Dorr did not flash the gun. The statements of these witnesses are confirmed by the negative testimony of several others, all of whom would be more likely to know the facts than Mr. Orson Moffatt.

At about 7 o'clock on the morning of the 18th, after the return to Anthony's house on Federal hill, it was ascertained that 27 men only remained under arms, attached to the cause and the fortunes of the prisoner. In the mean time, the guns had been examined, bored out, and reloaded; no plugs were in them, according to the testimony of Hathaway, who bored them out with a gimblet, as had been reported and sworn to by Hiram Chappell. His testimony on this point, however, was sufficiently contradicted by that of Col. Dispean; upon the examination it appeared that the powder was bad; that in consequence of the dampness of the night, it had first dissolved, then hardened, and would not ignite.

By this time the charter troops of the city of Providence, reinforced by those from Newport, Bristol, and Warren, were in motion. The concerted signal (a gun on Federal hill) had been fired for a rally of the supporters of the *people's* government; but, instead of being answered to by men in arms, as had been pledged to Gov. Dorr, he received a written communication from some of his friends in the city, that he could not expect such support under present circumstances. Those circumstances were, the strength of the charter military force then embodied in the city, the aid promised them of U. S. troops from Fort Adams; and the apprehensions entertained by many, of the legal consequences of coming in conflict with the General Government. Under all these circumstances, according to the proof in the cause, the prisoner, urged by the advice of the few gallant officers who still adhered to him, and his hopelessness of maintaining a position on Federal hill, issued orders for the few remaining men to retire and disband themselves, and withdrew himself beyond the lines of the State; assuring his officers, however, at the same time, that whenever the *people* were ready to support their own government in the great cause in which they were engaged, he should be prepared to return and join them. And for this act of prudence and necessity, also, had the prisoner been branded as a coward!

From this period up to about the 20th of June following, the prisoner appears to have remained out of the State; it is in proof, however, that in the



north and northwest part of the county of Providence, a determination still existed to sustain and establish the government under Mr. Dorr; and as the people's legislature had adjourned to meet again on the then coming 4th of July, a collection of military officers and partisans met at Woonsocket, it was resolved to purchase a suitable lot of land for an encampment, and put themselves in a situation to sustain, and, if need be, to defend the legislature during its proposed session. This was as early as about the 12th of June. A committee was appointed; and Acote's hill, contiguous to the village of Chepachet, in the town of Glocester, about sixteen miles from the city of Providence, was the spot selected. It appears to have been understood, gentlemen, that the people's legislature would convene and sit in that village. According to the evidence, companies and parties of armed men began to assemble there on the 22d of June. Gov. Dorr was known then to be at Killingly, in the State of Connecticut. It further appears that a written communication was made to him by some of the military officers, urging his immediate return to assume command, and giving assurances that 1,500 men were detailed from different parts of the State to support him—such, at least, is the testimony of Col. Carter—600 of whom were to be furnished from the city of Providence alone.

Upon such representations and assurances, thus urged, the prisoner, escorted by a very few officers, who had gone from Chepachet to Killingly for the purpose, arrived at the former place on the morning of Saturday, June 25th—the day on which the overt act of levying war, in the third count of the indictment, is laid. Upon his arrival, instead of the fortified camp, and a garrison of 1,500 men, which he had a right to expect, he found in arms about 200 men; a camp, on two sides partially defended by very slight embankments or breastworks composed of brush and earth, and five mounted and one unmounted old pieces of artillery, of different calibres and descriptions. Evidence has been introduced on the part of the prosecution, however, (the court overruling our objection that it was irrelevant to either count in the indictment,) showing that, several days before Mr. Dorr came into the State, and before he was in any way connected with the military movements at Chepachet, in consequence of a rumor that the charter troops were about to attack the place, and arrest Lieut. Gov. Eddy, who resided in Chepachet, Charles J. Shelley, an emissary from Providence, had been on the 22d taken as a spy, and detained as such until the next day, when he had been discharged two days before Mr. Dorr arrived there; which, as I have before said, was on the 25th. This evidence was thrown in as matter of aggravation, although it is manifest that the prisoner could in no way be legally implicated by it, nor held responsible for it.

It has appeared in evidence that Mr. Richard Knight was also made a prisoner on the evening of the 25th of June, the day of Mr. Dorr's arrival at Chepachet; and I call your attention to this testimony, with a view of noticing some of his statements, which are calculated to create false impressions on your minds, and intended to confirm newspaper assertions. He has testified, that on his entrance into the village, he was fired on by one of two men who were running down the hill, as if with design to head him off. Upon this point, we have the testimony of Mr. Dorr's adjutant general, (William H. Potter,) who was on the ground, and swears that he never heard of it, and that, if such had occurred, *he must have known it*. Mr. Knight also swore that, at the same time, he saw three black men on the hill, one of whom had a gun also. Gentlemen, you all know how often, during the pe-

riod of these troubles, it had been asserted that Gov. Dorr's forces at Chepachet were the offscourings of the land—black, white, and gray; and this testimony is given by Mr. Knight, who had been a prisoner there, to give color to such reports, and to convey the idea that blacks constituted a part of the soldiery, and were on the hill serving as troops, that a prejudice might be raised in your minds against the prisoner. But what is the true state of the case, as shown by the whole evidence on the point? That there were but three blacks connected in any way with the troops there, and that they were merely waiters or servants, attached to the commissary department of the camp, as sworn to by B. M. Slade, who acted at the head of that department.

The evidence produced relative to the gathering at Acote's hill, from the time when the prisoner arrived there. (and it is with that only we have to do,) shows that it was throughout conducted in a most orderly and proper manner; orders were immediately issued by him, that all private rights and private property should be respected; and three instances only of the violation of those orders occurred: they were insignificant in themselves, but promptly repaired by the prisoner's orders, and in one instance he made pecuniary reparation out of his own pocket. As one means for the preservation of order, he caused the bar of the tavern of Gen. Sprague to be shut, so that no liquor should be sold, and none was furnished to the men. It appears in evidence, that on the afternoon of that day (the 25th) the governor examined the works of defence on the hill, and the munitions of war there collected; reviewed and ascertained the number of effective men assembled, and made a speech to them. Very exaggerated and extravagant accounts of the number of those men have been made and circulated by those opposed to Gov. Dorr and the cause he was engaged in, as an additional pretext for charging him with poltroonry and cowardice, in abandoning the post as he did, on the evening of the 27th. But it appears by the evidence of Potter, Comstock, and Carter, confirmed by others, that the force of men under arms was fluctuating—constantly coming and going. On Saturday, the 25th, there were 225; on Sunday, the 26th, somewhat more; on Monday, the witnesses agree that they did not exceed 250 in all. The proclamation which had been issued by the prisoner, calling for the men promised before he came into the State, and on the military of the State generally, was not responded to. Of those present, about two-thirds were sufficiently armed; the residue were miserably equipped.

Some expression used by the prisoner in the speech delivered to the troops has been seized on, and tortured into fancied evidence of traitorous malignity, derogatory to the character and to the purity of the motives of the prisoner; and two witnesses (Willis Bowen and Caleb E. Tucker) have been called on to establish the fact, and prove the expression. The attempt, however, signally failed of success, and was disproved by a number of witnesses called for the prisoner.

On Sunday, the 26th, the interview took place at General Sprague's (then Governor Dorr's head-quarters) between the prisoner and Mr. D. J. Pearce, the particulars of which have been fully detailed to you by Mr. P. on the stand, giving expressions and stating the views, objects, and intentions of the prisoner; and I leave you to judge, gentlemen, whether the testimony does not negative, in the clearest and strongest terms, the corrupt and traitorous intent with which the prisoner by the indictment is charged.

You will bear in mind also, gentlemen, some important facts sworn by the witness as having been stated to Governor Dorr in that interview, that



he had seen 2,300 charter troops pass by his boarding-house in Providence the day before; that 500 or 600 in addition were then expected from the counties of Kent and Washington; that a requisition had been made on the President, which would, without doubt, be favorably answered on Tuesday morning; that Colonel Bankhead was in Providence awaiting the arrival of orders; and that many of his warmest political friends, and officers under the people's constitution, had not only resigned their offices, but he had seen some of them the day before in the ranks of the charter troops.

Some stress has been laid on the attack which it is supposed was intended on the advanced post of the government troops stationed at Greenville; but it does not appear by any evidence that such an attack was ever contemplated by the prisoner. His object throughout appears to have been, and was avowed to be, to protect the people's legislature which was to be convened at Chepachet on the 4th of July; and it was clearly intended to adopt, as far as practicable, every measure necessary for that purpose, and to sustain and defend the people's constitution and government, and nothing more—the purpose being *defence*, not *offence*. The private opinion of Colonel Carter, respecting the taking possession of the colleges in Providence, converting them into barracks, and preparing a furnace for heating shot, is not material to the issue you are trying, and, in fact, has nothing to do with the present indictment. The prisoner had no knowledge of, and is not implicated, in such intention; nor is there the slightest proof or ground for supposing that he ever contemplated any such movement.

Early on Monday, June 25th, the prisoner received intelligence that the charter troops were at Greenville and Scituate; in the mean time, his friends in the city of Providence were deserting him and the cause; fourteen members of the people's General Assembly had resigned their offices at one time; no additional force coming to his aid and support; the charter and government force then, according to the information of Mr. Pearce, amounting probably to 3,000 men, within six or eight miles of him; his own position unskillfully situated; other heights in the vicinity commanding his slight fort; having no extensive or adequate commissary department; not ammunition sufficient for an action of more than fifteen or twenty minutes duration; his military chest, containing only \$70, raised among the officers by voluntary contribution;—under these pressing circumstances, the prisoner deemed it his duty to call a council of war, and disclose the true situation in which they were placed. A council was accordingly called and held at General Sprague's, his head-quarters. All these facts were fully laid open to his officers, and deliberately discussed. The final result of their deliberations was a resolution to disband the forces forthwith, as a measure dictated by the severest necessity. The order for this purpose was issued at about 4 o'clock the same afternoon, sent to the hill by General D'Wolf, accompanied by Colonel Comstock, and was then and there duly read to the soldiery; upon which, the men immediately separated, and, as expressed by Colonel Comstock, "dispersed as is usual after dismissal;" and, as stated by Colonel Carter, "without any haste or disorder." It appears also, by the evidence of General Sprague and Colonel Carter, that Governor Dorr himself remained in the village (at Sprague's) until about sunset, which, at that season, would be about half-past 7 o'clock; when, accompanied by Colonel Carter and a driver, he went to Thompson, Connecticut, passing in the route several parties of the retiring men. And yet, gentlemen, Governor



Dorr has often been charged with precipitately running away from his men at Chepachet.

It is also in evidence, that on the same day, after the order for disbanding had been issued by the prisoner, he enclosed a copy of it for publication, in a letter to his friend Mr. Burgess. It will be recollected that the prisoner's headquarters were in Chepachet, sixteen miles from Providence; that one body of the charter troops were at Greenville, on the direct road, and another body in Scituate, on the south road; so that the messenger (Mr. Eddy) was intercepted, and probably somewhat delayed; yet Mr. Burgess states that he received the communication at about dark the same evening, whilst he was reading a newspaper by the remains of daylight; that he read the letter in the presence of the two officers who brought it to him, and *immediately submitted both the letter and the copy of the order for disbanding to General McNeill, and to the governor and council.* The next day, at about 8 o'clock in the morning, their troops took possession of the evacuated fort, and (I had almost said) sacked the village of Chepachet. While the place was in possession of the forces of the prisoner, the rights of person and of property were held sacred, with the slight infringements before explained; and when *they* left it, they left it in peaceful security. What the condition of the village and its inhabitants was when the charter troops abandoned it, I am not permitted by the court to prove or state. And such was the victory of the charter troops at Acote's hill, and the termination of the Chepachet war—*entering a deserted fort twelve hours after it was known to be abandoned!!*

But, gentlemen, it has been charged upon the prisoner, here and elsewhere, that he brought to Chepachet, from New York, the *Spartan band*, with the design of leading them to the city of Providence to sack the city and cover themselves with spoils. Of the *Spartan band* I know only that, in the popular slang of the day, they, with Governor Dorr and all his friends, and the adherents to the people's constitution, were classed under the general name of *rowdies*, and these were said to be *foreign rowdies*; and it has been said they were to advance to the work of violation and havoc under the watchwords of "*The banks and the beauty of Providence.*" Of all the thousand slanders circulated in the community to the prejudice of the prisoner, this was the most infamous, and as base as it was false. But, with regard to the *Spartan band*, the only evidence in the cause, touching the point, is, that there were from ten to fifteen (being differently estimated by different witnesses) who joined the encampment at Chepachet on the 24th of June, the day before the arrival of Mr. Dorr from Connecticut. They came direct from New York; and there is no evidence going to show any connexion or concert between them and the prisoner. He found them, as he found the others, on the hill at his arrival; they were there as military men; they were treated, and did their duty, in common with the others, as such; and, for aught that appears, were as orderly and well behaved. They may have been foreigners, or they may not; they were not Rhode Islanders; and there were also two persons there from the adjoining State of Massachusetts—General D'Wolf and a private. If, however, this be matter of reproach to the prisoner, the charter government are equally liable to it. Major General McNeill and some of his officers were invited here from other States; and why, I can scarcely tell. It could not be from any deficiency of native military talent or capacity. That we have men among us "fit to stand by Cæsar, (or Napoleon,) and to give di-

rections," we have the very best evidence. It may be derived from the mouths of some of the government witnesses themselves, when speaking of their own exploits! With the exceptions, however, that I have mentioned, the men composing Mr. Dorr's force were all Rhode Island men—men of landed estates, or hard handed, enterprising mechanics; men who had voted for the adoption of the people's constitution, and for Mr. Dorr as governor under that constitution—such men (and I can say nothing *against* those excepted) as would be no disgrace to the service and the cause of political freedom.

I have now, gentlemen, briefly gone over the prominent points of the testimony in the cause, so as to give you a clear and connected view of all the transactions in which the prisoner was concerned during the period of time embraced in the several counts in the indictment, which charges the overt acts of levying war against the State on the 17th and 18th days of May, and the 25th and 27th days of June. I have done this for the further purpose of calling your attention more particularly to the question of *criminal* and *malicious intent* on the part of the prisoner.

There can be no crime where there is no criminal intention. Intention is the very essence of all crime. There can be no *treason* where there is no *traitorous intention*. The mere act of levying war, whether it be actual or constructive, does not necessarily amount to treason. To constitute that crime, it must be levying war with a *malicious* and *traitorous* intent; and such is the averment of each count of the present indictment. If no such averment were there, the indictment would be fatally defective, and you could not find the prisoner guilty under it; and the question here is, Does the evidence offered on the part of the prosecution support the allegation, so as to justify you in finding a verdict against the prisoner?

You have been already told by the court that there was no evidence or pretence of *express* malice or treasonable design on the part of the prisoner; but that such malice and such intent, where an overt act of levying war was proved, was a *presumption of law*, and changed the burden of proof from the government to the prisoner;—as in homicide, the intentional killing a man the law presumed to be murder, until the person charged offered evidence that should reduce the offence to manslaughter, or something less. This *presumed traitorous intent*, after all, is but a *presumption*—not a fact proved; and may be rebutted by facts and circumstances disproving the possibility of its existence. Such, gentlemen, we contend is the present case. You will recollect that, according to the testimony of the witness, it was with much reluctance, and after at least three other persons had been put in nomination and declined, that the prisoner consented to a nomination as governor at the election in April, 1842; that he received upwards of 7,000 votes for that office; that the votes were duly returned to the Foundry legislature; that a committee was appointed to count them; that the committee reported that the prisoner was duly elected; that the usual proclamation of such his election was made; that he took the required oath of office; that he delivered an inaugural address, or message, to the legislature; and that a government under the people's constitution was fully organized and put in operation, *superseding, as we contend*, all other government in this State. You will also bear in mind an admission made by the attorney general, (Blake,) that "if the prisoner was in fact governor, he was justified in all he did." Now, gentlemen, taking that evidence and that admission along with you, trace every act done, every expression used, and



every measure proposed by the prisoner, from the assemblage of the people's legislature on the 3d of May, to his leaving Chepachet on the evening of the 27th of June, 1812; compare and weigh the evidence whenever it conflicts, and say, if you can, where you find any evidence calculated to support this charge of *treasonable intent*. On the other hand, gentlemen, you will find him actuated by principles of the highest standard; intent, not on *subverting*, but on *establishing* the government of the people; controlled by an all-pervading sense of official duty, and governed by a religious sense of the oath he had taken to support the people's constitution, and discharge his duty faithfully to the people of the State. I shall not attempt here to recapitulate the evidence of these particulars, having somewhat glanced at them in passing; but it is such as frees the character of the prisoner from every imputation upon the purity of his motives and the unshaken consistency of his conduct. You have the evidence all before you, gentlemen; and, under your oaths as jurors, you are "true deliverance" to "make between the State and the prisoner at the bar."

After all, gentlemen, who is the prisoner at the bar? and how came he now before you for trial? Mr. Dorr is an educated gentleman of the most respectable family and connexions. It is also in evidence that he, personally, has stood high in the confidence and esteem of his fellow-citizens. He has represented the city of Providence in the General Assembly. At the time he is charged with having levied war against the State, he was the treasurer of the Rhode Island Historical Society, and had in his hands the funds of that institution to a large amount. He was a commissioner of the Scituate Bank, having control of its funds and securities, under an appointment of the legislature; and he was president of the school committee of the city of Providence. It appears also that, as administrator or trustee, he had in his hands large amounts of the property of private individuals. During the troubles that followed the affair at the arsenal—the destitution of men, arms, ammunition, provisions, and money of the Chepachet campaign—during his protracted exile from the State,—did Governor Dorr embezzle, divert, or misapply these funds, or a farthing of them? No, gentlemen, as is shown by the testimony of Mr. Burgess, he guarded the whole with the most scrupulous care, guided by the highest sense of honor, and placed them, undiminished, beyond the reach of the perils which environed his own position. With this evidence before you, does he carry about with him any of the marks of that *rowdyism* of which we have heard so much? Has not his whole course of life, his sentiments and his actions, been such as to free him from the imputation of having, in anything, been governed by other motives than a desire and a zeal for the best interests of his fellow-citizens and of the State?

It has been urged by the opening counsel for the State, that the prisoner, taking counsel from his fears at Chepachet, *ran away* from the State. It would have been an act, not of wisdom or courage, but of the wildest folly, for Mr. Dorr to have bared his devoted head to the whirlwind of popular fury that then swept over the State; or, under *legislative* martial law, to have confided his fate to the tender mercies of a drum head court-martial. But when the tempest had apparently passed over—when the excitement had become somewhat allayed by time—when martial law no longer fettered the legal tribunals of the State—he came voluntarily back to the State, and submitted himself to its tribunals. He came (when large rewards failed to bring him,) because this was his native State—his home—and because



he expected, and had a right to expect, that he should be tried by a jury of his peers of the vicinages amongst whom he had always lived, and for whose benefit alone he had acted. He is now in *your hands*; and I repeat, gentlemen, that, in deciding on his case, you *may* decide upon your own fate and that of your posterity; your decision *may* involve the fate of American freedom—nay, of civil liberty itself.

Finally, gentlemen, if the evidence to which I have directed your attention should fail to satisfy your minds fully as to the purity of the prisoner's intentions, and the absence of treasonable design on his part, and doubts remain on the subject, you are bound (and will be so instructed by the court) to throw those doubts into the scale of the prisoner, and return a verdict of acquittal. I now leave him with you, under the conviction that the moment you take his life and liberty into your hands, you, at the same time, commit your characters through life, and your memories after death, to the award and decision of the great tribunal of public opinion; and I hope and trust that at its hands you may *receive* that justice which, in behalf of the prisoner, I *claim* at your hands.

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#### CLOSING REMARKS OF MR. DORR.

After Mr. Turner had concluded his summing up upon the evidence, Mr. Dorr addressed the jury for three hours in the close of the defence. The following is a summary of his remarks:

Having addressed to the court all he had to say on the subject of treason, (which he had contended was an offence against the United States, without admitting that any such offence had, in this instance, been committed,) he now turned to the jury, and thanked them for the patience which they had thus far manifested in attending to the proceedings of a trial necessarily protracted beyond the usual length. Although the duration of the trial had been more than once alluded to by one of the honorable court, he desired to assure them that he had not intentionally trespassed on their time. Much of it had unavoidably been spent in empanneling the jury, which, in a case of this moment, could not be hastily done. The defendant had a right by law to twenty peremptory challenges; and a large number of those who had been called as jurors had disqualified themselves as they were called, by replying to the questions proposed to them, that they had formed and expressed an opinion upon the charges laid in the indictment, rendering it necessary to issue new process for summoning an additional number. It would also be recollected that the defendant had been brought here from the county to which he belonged, professedly for a more impartial trial, and among those with whom he was but little acquainted, and whose qualifications and opinions could not be investigated and ascertained without special inquiry, which it had been sometimes necessary to make through witnesses, to whom the jurors were better known than to himself. The jurors now empaneled had severally responded, under their oaths, that they had neither formed nor expressed an opinion upon the matters now in issue; and only through their avowed impartiality could the object be obtained for which the case had been, in this unusual manner, removed from the county where the offence was charged to have been committed, into another, which had been equally pervaded by the political feelings and dis-

cussions which had pervaded the whole State in the eventful period of 1842.

As so much had been said about foreign notions and foreign interference, it was proper for him to remind them that he was no stranger in their midst. He had not come here from abroad to proclaim new and strange words, at war with the original doctrines upon which our government was established. He was a native citizen of Rhode Island; and a portion of those from whom he claimed descent had been among the earlier settlers of the State. He was by birth, and still more, he trusted, in principle and feeling, a Rhode Island man. He did not stand before them as an alien to the common inheritance; and he was ready to meet his opponents in any attempt they might make to show that his efforts had been directed to any other object than the reassertion of the ancient liberties of the State, and the inherent rights of the people.

The case now presented to the jury is one of no ordinary importance, and is not lightly to be disposed of by a hasty and inconsiderate judgment. It is not a matter of dollars and cents, to be decided by an average of opinions; but a question affecting the rights and freedom, and, to all intents, the life of the accused. The sentence consequent upon conviction is perpetual imprisonment, with the attending deprivation of the social and political privileges of a man and a citizen—an infliction which might induce some minds to prefer the more friendly missive of the military tribunal. It is the duty of the jury to contemplate the results of their verdict. For though they are not directly responsible for the law, and sit here not to make, but to administer it, they may well be inspired, when they regard the personal rights which are now put in issue, with a solemn caution, with a spirit of sincere and earnest inquiry; fearful themselves of doing a greater wrong than that which is alleged against the individual they are called upon to try, and bearing in mind that the justice of the law is not revenge, and insists upon no doubtful constructions of the acts of the accused. The jury must be satisfied, beyond a reasonable doubt, not only of the facts, but of the legal meaning and purport of the facts; and they are not called upon to offer sacrifices to State policy or to the dignity of the law. At this distance of time from the date of the transactions in controversy, a more dispassionate and candid investigation was to be expected and demanded.

The offence charged is *political*—not against individuals, but against the State, under a system now no longer existing. The defendant necessarily does not stand alone. He acted for others. In trying him, you try also the 14,000 citizens who voted for the people's constitution in 1841, and who, if there be any guilt in the doctrines of '76, are equally guilty with him. Nay, more: you will try the principles of the American Government and the rights of the American people; and you yourselves will in turn be tried for any wounds you may inflict upon American liberty. You are not sitting here in one corner of a small State, out of the reach of observation; and beware that no political bias incline you to do any injustice to the defendant, by way of retribution to the party with which he is connected; or how you permit yourselves to defeat the ostensible object of a fairer trial in the removal of this case; and let the public have reason to believe that it has been more fair than was intended.

The opening counsel for the State (Bosworth) had not been satisfied with the customary epithets which the forms of indictment bestow on those who are brought within the pale of the courts; but he had launched out into

the language of vituperation and calumny, the not uncommon substitutes for reasoning and argument. These ebullitions of malignity do not so much indicate the character of the object upon which they are poured, as the condition of the source from which they spring. Real valor never seeks to magnify itself by depreciating the character of those who have been overcome by the fortune of the day, and avoids all questionable exultation. An honorable mind, in a great political controversy like this between the two parties of the State, conscious itself of good motives, will be slow to impute the reverse to a fair and open political opponent. The coarse remarks of the assistant to the prosecutor are left to you, with all the weight to which they are entitled. If he be not ashamed of them, they may cause some of his friends to be ashamed of him.

Without any proof that it was known at the time to the defendant, the aid of the prosecutor has laid much stress on the fact that some of his relatives by law or blood were found in array against him on the 17th of May, 1842; and it is insinuated, by way of arousing the prejudices of the jury, that the object of the defendant was the destruction of his own relatives and friends. In reply to this false and malicious charge, Mr. Dorr said, that, in periods of excitement, it might happen, and sometimes did happen, to those who were near, and painfully to those who are also dear to each other, to be widely separated even to the conflict of war. He stood almost alone in his political opinions among those who were connected with him by blood. Without consulting interests, he had asked for himself what was right, and pursued it. If his views of the sovereignty and action of the people were correct, then they who placed themselves in opposition to the government, and attempted to prevent the recovery of the public property, whether strangers or relations, did so in their own wrong, and might with equal propriety be said to have been bent upon his own particular destruction. He left them to their motives, and claimed respect for his own. There are obligations of duty from which no interest or consanguinity can furnish a discharge. Mr. Dorr said that he was not aware at the time that any person related to him was engaged in the defence of the arsenal; but, from what had fallen from one of them, he had supposed that he intended to be. This person was not his brother, (now absent from the country,) whose name had been forced in here with a very apparent object, and who, though opposed in politics, was entirely capable of appreciating his motives, as he was of making the same estimate in return. But, if he had been aware that all his clan were enlisted against the law and constitution of the State, he should not have been deterred from discharging the oath of duty which rested upon him.

The offence charged is somewhat of a vague nature. What is levying war? It is not a gathering of men merely with arms in their hands. This is the description of every military training or review. Against whom is it levied? The State. Who represented the State at the time in Rhode Island? Which was the true government? or, more properly, which was the government? And, again: for what object was war levied, if at all? Was it for any lawless, unjustifiable purpose; or in defence of government, and the most valued rights of the citizen? Here we have, in addition to the mere question of fact, Were certain things done or not? the much larger and more important questions of rights, of motives, and intentions. The indictment charges that the acts laid in it were maliciously and traitorously done. To constitute a levying of war, as it was held in 4 Cranch, 75, &c.,



there must be an assemblage of persons for the purpose of effecting by force a treasonable purpose. Enlistment of men to serve against government is not sufficient. It is not treason, it thus seems, to enlist men for service, even against a lawful government; much less is it to enlist them and to bring them into service against an unlawful one, existing by usurpation, and contending with force against that by which it has been rightfully supplanted. You will also bear in mind the admission of the attorney general, who properly stated, in the outset of the case, that, if the defendant were the governor of the State, he had a right to do what he did. It is thus perfectly evident that the true question essential to a fair trial is that of *rights* and *motives*. There must be a treasonable intent in the levying of war, to constitute any treason at all; not a mere knowledge of what one is about, but a deliberate, set purpose and treason of the mind; as in cases of homicide, the act may be murder, or manslaughter, or no offence at all, according to circumstances and intentions.

Mr. Dorr said, that, in the argument of this case, he had the disadvantage of appearing before the jury without the aid of his principal counsel, Mr. Atwell, upon whom he had relied for all the closing arguments, who had been overtaken and disabled by a severe illness just before the commencement of the case, when it was too late for the defendant to make any preparation. While he desired to acknowledge the zeal, fidelity, ability, and industry of the gentleman who assisted him, he could not but feel the absence of a counsellor, whose legal eminence and eloquence, practical experience, and just weight as a lawyer in this court, were of so much importance to his clients. If the defendant have anything to advance in his own favor, it will be said to come from a too partial source, and it weighs nothing. What he admits, is taken strongly against him; and what he may say concerning himself, may be, for the most part, better said by another.

The defence, as well as the prosecution, has drawn out upon the examination of witnesses a long detail of facts. My great object, said Mr. Dorr, has been to have all the facts of the case correctly ascertained; to disabuse it of all the falsehoods and calumnies with which it has been invested by the malignant ingenuity of political enemies; and to disprove all the pretended charges that have been so often repeated against myself, my political associates, and the political party with whom we have acted. I have aided by questions and by witnesses in bringing all the facts to light. There are, and have been, no secrets in the cause in which I have been engaged; there is nothing, so far as I am aware, that might not safely be brought to the light of day. In August last, I published, over my own name, a statement of all the transactions now in controversy, from beginning to end, which was generally circulated in this State. It does not differ perceptibly from the present testimony. I am willing to put it into the case, as a part of it, if the prosecutor do not object. I should have been willing to save this investigation by so doing; but it was not for the defendant to prescribe the mode of proceeding by the prosecutor, who, of course, would not have admitted the account of the defendant to be correct, and expected to make a case much more favorable to his own side of the question.

And here, let it be asked of common candor and fairness, after listening to the testimony, what has become of the shameful and groundless imputation conveyed in the fabricated watchword of "beauty and the banks;" of the "foreign desperadoes," who were to plunder and burn the city of Providence, and to invade the domestic purity of its homes; of the intervention

of citizens abroad for any other object than to arrest the unjustifiable interference of the President with State rights; of the general appropriation of private property to military uses; of "the lawless and intemperate character" of those engaged in the people's cause; of the "forcible enlistments;" of the "State scrip;" of the "sword dyed in blood;" of the "waiving of the torch and the firing of the gun;" and the hundred other stories and inventions that were got up by political managers and editors for effect, and have had their day, and have answered all that was expected of them? They were no doubt believed by some, with that credulity which alarm creates. And there were others who availed themselves of this slight pretence to go over, and basely and treacherously abandon the cause of the people to the enemy. Henceforth, let the retailers of these calumnies, which have been put down in and out of court, hold their peace.

The alleged invasion of private property by the suffrage men at Chepachet, of which so much had been attempted at the time to be made by their opponents, was reduced to three instances: a horse borrowed, used, and returned; a cow taken and paid for; and a few boards burnt on the hill!

The question was asked, whether the village of Chepachet, the day after it was left by the suffrage men, was not sacked by the charter troops? But this, we were told, had nothing to do with the issue, and could not be gone into! It was irrelevant! There was a contrast to be disclosed.

Of all that was really done by me, said Mr. Dorr, (aside from the fabrications alluded to,) or that I had a part in doing, I deny nothing. I should disdain to make such a denial here or elsewhere, to preserve either liberty or life. Defendant said that if any fact had not been brought out in the testimony, which the jury were desirous of knowing, and which was within his knowledge, he was ready to state it.

My defence before you, said Mr. Dorr, is a justification throughout. What I did, I had a right to do; having been duly elected governor of this State under a rightfully adopted and valid republican State constitution, which I took an oath to support, and did support to the best of the means placed within my power.

He then alluded to the extraordinary embarrassment in which he was placed in this portion of the defence, by the refusal of the court to permit him to make good his justification, by exhibiting the proofs of his election as governor, and the proofs of the adoption of the people's constitution, under which he had been elected; the votes given upon it having been brought here for the express purpose of authenticating it to the jury. Nor was he permitted, directly or otherwise, than in incidental remarks, to maintain, either to the court or jury, the right of the people of Rhode Island, upon American principles, to form and adopt this constitution; nor to argue any other question of law to the court or jury, than whether treason be an offence against a State or against the United States; nor to introduce proofs of his election, and of the constitution, to repel the charge of malicious and traitorous motives; nor to show by authorities that the jury are, in capital cases, the judges both of the law and of the fact.

It was with extreme surprise and regret that he thus found himself debarred from his true defence. The facts being thus plain before the jury—that the defendant had, on several occasions, attempted to carry into effect, by military force, the constitution and government of the people, and as the chief magistrate of the State—the jury will very naturally ask, how did all this come to pass? By what authority did the defendant these things?

The reply to your very natural inquiry is a blank. The defendant is most anxious to proceed before you, and to establish all these rights; but he is not permitted. He must look to you to take care of them. He is in the condition of the mariner whose bark has been stripped by an adverse gale, and who, in directing his course to the land, can expect to reach it only with the aid of a jury mast.

The votes that were cast for the people's constitution are at hand. They who gave them are not far off. The acts of the people's legislature, under this constitution, can be proved in a moment. These and the unanswerable proofs that popular sovereignty is the just source of government, were what it was desired to lay directly before you. By the refusal of the court, the defendant feels that he has been deprived of a great right, and that justice has been denied him. Whether the doctrines on which the republic rests be admitted here or not, they are unchangeably the same. The defendant has no desire to retract his subscription to them.

Some ages ago, a natural philosopher was accused and silenced before the inquisition, for teaching that the earth turned on its axis. As he retired, after his forced confession to the contrary, from the presence of the officers of the justice of that day, he exclaimed "Still it turns:" and, in spite of all opposition of false philosophy, it has turned ever since. There are other immutable doctrines, and other honest convictions, which cannot be forced out of a man by any human process.

The sun will not rise, said Mr. Dorr, upon any recantation by me of the truths of '76, or of any one of the sound principles of American freedom.

The servants of a righteous cause may fail, or fall in the defence of it. It may go down; but all the truth that it contains is indestructible, and will be treasured up by the great mass of our countrymen.

If I have erred in this Rhode Island question, said Mr. Dorr, I have the satisfaction of having erred with the greatest statesmen and the highest authorities, and with the great majority of the people of the United States; and I have the satisfaction also of reflecting that all errors of judgment here will be corrected by the great tribunal of public opinion, which assures to all ultimate and impartial justice.

Here the defence might end. The facts are before you. You cannot avoid the question of right, imperfectly as it comes to you. But there is one remaining point—the amount and purport of the evidence. It is due to himself that the defendant should make some further allusion to it, by way of explanation of his conduct and motives during the period of affairs that has been passed in review. To this subject the remainder of his remarks will be confined.

#### MONDAY AFTERNOON, *May 6.*

Mr. Dorr resumed his remarks.

It had been charged against him, that he had originated an unnecessary movement in this State, and that it had been persevered in without good reasons. Both these charges he proposed now to consider.

It is impossible that any man should stand alone in any attempt at political reform like that which has recently taken place in Rhode Island. It is not within the compass of human ability to create a set of circumstances to suit a scheme of ambition involving any considerable change in the affairs of a State. The utmost that any individual can do, is to be present and to take a part, more or less efficient, in a movement originating in gen-



eral causes, and affecting large portions of the people. The people of this country, and of this State, and, it may be added, of the race to which we belong, are not addicted to change for the sake of change merely. It is a libel upon them to say that they are not capable of thinking and acting for themselves. In all those movements relating to the organization and the amendment of forms of government, there are deeply-laid causes beyond the control of individuals, and most frequently of remote origin and long continuance, to which the final result is to be attributed. The events of 1842 grew naturally out of a long train of evils and abuses running far back, and which require a brief consideration, in order fairly to indicate the remedy which was proposed, and to explain the conduct of those who were concerned in applying it to the existing condition of affairs. A glance at our political history will exhibit the origin of all the troubles which have of late agitated and distracted this State.

Mr. Dorr said he desired to repel the imputation which had been cast on those with whom he had acted, and himself; that they commenced their undertaking with a disparagement of their ancestors, the venerable founders of our civil polity. Much had been said about the charter government, and the early institutions of the State. He then paid a tribute to the character of Roger Williams, as the founder of American democracy, and the author of the true system of religious liberty, in its relation to the political system, and the inalienable rights of conscience and private judgment. To this illustrious man (the greatest in the ante-revolutionary history of the country) was the colony of Rhode Island mainly indebted for the unexampled degree of freedom here enjoyed, and for democratic institutions, to the origin of which every right-minded son of this State must look with a just and honorable pride. In the heat of political controversy, the sins of the royal grantor of the charter, and of those whose mal-administration of the government under it had subsequently planted the seeds of future evils, had been laid upon the charter itself, which was in its day, and long subsequently, a monument of liberty. The charter had well done its office; and, at the period of the revolution, or as soon afterward as circumstances would permit, should have been consigned to the archives of the State, to be held in perpetual veneration for the benefits that it had bestowed. Mr. D. referred to his past addresses and appeals to freeholders and non-freeholders during the course of the controversy, from the first period of his connexion with it, in proof of the statement he had made.

It was the patrimony of Roger Williams and his associates which this colony long enjoyed. It possessed the freest government on earth, with a remote dependence on Great Britain. The result of the efforts and doctrines of Williams was the formation here of a peculiar people, in advance of the times in which they lived, jealous of their rights, fixed in their opinions, disposed to think and act for themselves, and to exercise freedom of speech without regarding personal consequences. This spirit was confirmed by the local position of the colony, with a limited domain between two stronger neighbors, bent on aggrandizing themselves at its expense, and never relinquishing, down to the period of the adoption of the federal constitution, the design of annexing it to their respective territories. The way of our fathers was to hear freely, to discuss openly, to conceal nothing, and to act without fear. They were not to be driven by authority or dictation of any kind. This old-fashioned spirit, it is to be regretted, has been

depressed by recent events ; but, let it be hoped, not beyond the possibility of ultimate recovery.

This originally free democratic government passed through a period of degeneration, from which it has of late been partially restored. It is now 120 years since the first definite landed qualification of voters was established by law. It was at first a qualification for suffrage ; it became at length a limitation of suffrage, and a badge of exclusion from political rights. Nearly all the adult inhabitants were at first, as now among the western settlements, the owners of land. This landed qualification may have been justified at the time, by the State policy of resisting undue influences from abroad, through a requisition upon all who came to incorporate themselves with the colonists, that before they became a part of the political body they should identify themselves with the population by this visible sign of adhesion and permanent residence. But such a policy has long ceased to exist ; and through the property restriction, as this qualification at length became, the government of the State was transformed into a landed oligarchy.

Up to the period of the revolution, when the population was about three-fifths of its present number, there were no complaints. But with the increase of population, they were manifested ; and, through neglect, were deepened into a strong disaffection toward the existing order of the State.

A committee, consisting of the governor and other distinguished individuals, was appointed, at the breaking out of the Revolution of 1776, to inquire what changes in the government were requisite to adapt it to the new order of things. But the committee made no report. The subject was again revived about the period of 1799, without a result. In 1811 a bill (draughted by the present district judge) to extend suffrage to all persons paying taxes and performing military duty, was passed by the Senate, and was laid on the table in the House of Representatives. A bill of half a dozen lines would at any time have accomplished the desired end, and have prevented all the subsequent difficulties. In 1819 the defects in the State government were again brought under consideration, principally as connected with the grossly unequal representation in the lower house ; the county of Providence, in its ratable property, being liable, through direct taxation, to the principal burdens of the State, while it was entitled to a disproportionate force in the body by which they were imposed. [Mr. Dorr here read an eloquent passage from the political writings, in the year 1820, of the late lamented James D. Knowles, in which the consequences of this unwise delay of a political reform of the State were strongly pointed out ; and the necessity which might occur to the people of taking the matter into their own hands, as an ultimate resort, for the redress of grievances, was clearly predicted.]

In 1824 a freeholders' convention was held for the formation of a State constitution, which was rejected. A proposition made in this body to extend suffrage beyond the landed qualification, received three votes. The next attempt to obtain an extension of suffrage was commenced in 1829 by the non freeholders, whose memorials to the General Assembly were treated with contumely in the report of a committee of the House, which described them as unworthy of any serious consideration. In 1834 the attention of the freeholders was again called to the restricted condition of suffrage in the State. In that year the defendant was elected a representative from Providence, as the advocate of political reform, and of a republican State



constitution ; and should his political life be now brought to a close, as one of the results of this protracted contest, it will end as it began—in the just cause of the disfranchised inhabitants claiming their due share of the birth-right of American citizens. The constitutional party of freeholders, which was this year formed, received but little encouragement, and expired after an ineffectual struggle of nearly four years.

The condition of things brought to the consideration of the legislature was hardly to be paralleled in any of the States. A majority of the House of Representatives in this body was chosen to represent less than one-third of the inhabitants of the State ; and the electors of these representatives were about a third of the adult male population in the towns that sent them ; so that the conjoint operation of unequal representation and of limited suffrage was to vest all the political power of the State in about one-ninth part of the resident citizens of the United States in Rhode Island—an inequality too unjust and oppressive to be much longer tolerated in the land of Roger Williams, so long as there survived among the people any portion of the ancient spirit of the State.

A freeholders' convention was again called in 1834, in which, as a member from Providence, the defendant, as he had before done in the legislature, urged upon his associates the immediate duty and expediency of redressing the political inequality of the State, through the forms of law. A proposition made by him for the extension of suffrage, received but seven votes ; and the convention dissolved without proposing any constitution to the freemen.

The natural conclusion, from this brief view of the facts, in the mind of every man of ordinary intelligence and candor, will be, that the responsibility for all consequences is on the heads of those who have so long denied, or have exerted themselves to defeat, the just rights of the people of this State. And every one will see at a glance the futility of the attempt to ascribe to the dissatisfaction or to the ambition of any individual, or a few individuals, the rising up of the men of Rhode Island, under a sense of common wrongs, for the final attainment of just and equal rights.

It was in vain, on the part of those who undervalue the right of suffrage, and who flatter themselves with the ability to govern others better than they can govern themselves, to repel the non-freeholders with the answer that they were better off under the protection of the landed system. While the British subject claims to be well governed, it is the birthright and glory of American citizens to govern themselves. The right of suffrage is the guardian of civil liberty. The only security for just and impartial and beneficent legislation is in the universal right to participate in choosing those who make and administer the laws. The non-freeholder, who was worthy to be counted among the represented population, felt himself equally worthy to vote for the representative himself. He came to this conclusion from a just estimate of his own character ; of his worth and natural equality as a man ; of his proportionate contribution to the support of the public burdens, State and national ; of his productive industry in creating the common wealth, and contributing to the common welfare of the State ; from a view of the free institutions of other States, by which he was constantly reminded of his own privations, and which held up before him rights from which he felt himself to be debarred by no natural mark of inferiority or incapacity, but by the arbitrary and selfish exclusion of men no better than himself.



The result of this long denial of justice was the creation of two distinct classes of citizens—the people at large, claiming, by virtue of the revolution, the sovereignty of the State; and the qualified freemen, who possessed and exercised the political power, and governed the rest, according to their will and pleasure. And this state of things, always dangerous to the tranquillity of a country where all are professedly equal, led to a collision between the two classes, and to the events of 1841-'2.

The next and final attempt to obtain their rights was begun by the non-freeholders in 1840, through the general organization of a political party. With its proceedings you are already acquainted. The non-freeholders were excluded, as they always had been, from any participation in the choice of delegates to the convention to frame a constitution, which was called by the General Assembly in January, 1841. They knew from experience what was to be expected from such conventions; but, before they proceeded to assert their own rights, they looked once more to the legislature for a concession to their reasonable claims. At the subsequent May session, a bill was presented to the House of Representatives by Mr. Atwell, which was drawn by the defendant, and which provided that the citizens generally should be authorized to vote for the delegates to the convention. At the June session it was amended of his own motion, by the member who had introduced it, so as to confine that temporary extension to tax payers only—a proposition which received but ten votes.

The door was thus closed upon the non-freeholders of the State, and they turned away from the existing government with the entire conviction that the time had now arrived to redress their own grievances through that power which is the superior of all others. They called a popular convention on a free basis. That convention framed a republican constitution, which, three months before the rejection of that of the landholders' convention, was adopted and ratified by the votes of a vast majority of the whole people. This would have been demonstrated to you, if the court had permitted the votes, which have been brought here for the purpose, to be presented for your examination, as the defendant most earnestly desired. Under this constitution, the defendant was duly elected to the office of governor of the State—a fact which he is debarred from proving by the prohibition of the court. In the name and by the authority of those who are the true source of power, he has acted in the capacity to which he was assigned, not to do his own will, but the will of the people of this State. This is his true and sufficient defence.

Mr. Dorr then passed to the remaining topic—the manner in which his duty had been discharged, in connexion with the question of motives; giving an outline of affairs relating to the organization of the people's government, and of the subsequent proceedings.

The defendant was nominated for governor shortly before the publication of the letter of President Tyler, in which he threatened his intervention in the political affairs of the State. The defendant accepted the nomination, though his means did not warrant him in so doing, at the urgent request of political friends, after three others, (one of them connected with the opposite political party in general politics) had declined it, and it had become apparent that, unless the defendant accepted, there would be no candidate, and an organization under the constitution might be defeated. This he would not suffer to occur, if he could prevent it. As chairman of the State committee, he would not see the constitution die in his hands. He did not

seek the nomination, nor did he decline it when the absolute necessity had arisen, nor shrink from any duty or responsibility connected with the office. He was elected by the people. At the appointed time the General Assembly was convened, and was attended by a military escort to the place of meeting. It is unnecessary to repeat the proceedings of that body, many of which have been detailed to you. By a remarkable oversight, they permitted the judiciary to remain unchanged.

Upon a proposition, made in the House of Representatives, to instruct the sheriff to take possession of the State-house for the use of the Assembly, there was a division of opinion; three fourths of the members being opposed to such a step, and in favor of a simple request only for the opening of the building. This ill judged omission was of fatal consequences. The day was thus lost, and ultimately the cause itself, through the vacillating and retreating disposition of its friends. They held, on that day, everything in their own hands. All might then have been accomplished without loss or injury to any one.

My views to the contrary of the course then adopted (said Mr. Dorr) are well known to you and to my fellow citizens. I have been accused of dictating to others the conduct of our affairs. If this had been the case, and it had been in my power to enforce an implicit compliance on their part, it is not a little singular that, at this most important crisis, my associates should have sacrificed my judgment to their own. Believing that a government on paper was no government at all, I desired to see it put immediately into action, by taking possession of the public property, and bringing the whole case to a practical issue at once. This was my opinion, desire, and advice. They yielded to other feelings and opinions, dreading also the interference of the national Executive. The first and best opportunity was suffered to pass by. The cause declined and died. Had the legislature been disposed on that day to avail themselves of that "tide in the affairs of men, which, taken at the flood, leads on to fortune," the people's government would have gone fully into operation, and the State would have peaceably acquiesced. But, although the legislature did not incline to active measures at this time, they nevertheless, very near the close of the session, passed a resolution requiring all persons having possession of any of the public property to surrender it to their successors in office, leaving to the defendant, as governor, the responsibility of carrying this act into effect, under his oath of office to execute the laws.

The time of the defendant was occupied with the signing of commissions and with the other business of the executive, until he left for Washington, at the request of a number of his friends, and of a large public meeting held by the suffrage association in Providence. The object of this visit to Washington was to make a true representation of our affairs to the President, and to avert his intervention to suppress the rights of the people. No favorable result was attained.

The defendant remained some days on his return at New York, and conferred with friends in that city, upon one special subject, by which he had been mainly induced to leave Providence at this interesting period of events. He referred to obtaining assistance of men from abroad to repel this threatened interference of the President; which he and others believed to be unconstitutional, and a most unjustifiable outrage on the rights of the people of Rhode Island. He addressed the democratic citizens of that place at Tammany hall; stating to them, most explicitly, the sole ground on which



they were called upon to act—not as intermeddlers between two political parties in a State, but only in the case distinctly proposed; freely avowing that, if the people of Rhode Island, when left to themselves, without the interference of the United States, were not capable of maintaining their own rights, they did not deserve to be free. The appeal was cheerfully responded to. The answer was the outburst of warm and generous hearts devoted to the great cause of popular rights. Five thousand—nay, almost any number—were disposed to pour themselves out to arrest this great injustice now threatened to the more numerous party in Rhode Island, by throwing into the opposite scale the military forces of the United States.

The defendant then alluded to his interview at New York with Major William G. McNeill, who had stated here in his testimony that defendant had, in a half-jesting way, offered to him the command of his men, and who, as defendant supposed, was friendly to the suffrage cause. The comments on Mr. Pearce's testimony, which fell from McNeill, had been occasioned by a misapprehension by Mr. Pearce of defendant's conversation with him. Defendant did not say that at Chepachet he had been, a few days before, advising with Mr. McNeill respecting military affairs. Defendant meant to be understood that he had seen this gentleman not a long time before—alluding to this meeting in the city of New York. Defendant had never seen him since, nor had any correspondence with him during the recent difficulties, nor had he any reason to suppose that he had not been faithful to the charter government; though defendant was surprised to hear of his appointment as the charter general, having supposed him to be favorable to the other side.

Mr. Dorr then passed to the public meeting on Federal hill, upon the day of his return to Providence. The reason of his producing a number of witnesses, who stood very near him when he made his address on that occasion, was to refute the testimony which had been given by two political opponents, respecting "the sword dyed in blood"—an expression which they had attributed to him. This testimony was not founded in fact, and had been clearly and sufficiently contradicted. The object evidently was, to hold up the defendant as blood-thirsty, and desiring destruction for its own sake—a representation which would not be readily credited by those who were acquainted with him.

The defendant alluded to the taking of the cannon of the artillery company on the afternoon of the 17th of May, as having been done by his order, and with the consent of the company themselves.

Affairs had now arrived at that point where the defendant must either surrender to the charter government who aimed at his arrest, resign his office, or enforce the laws under the government of the people. The defendant had no disposition to abandon the cause, while there was any ground to stand upon. He could not retire from the contest, believing himself to be on the just side of it, and encouraged by the voice of the citizens, who had so often and unequivocally avowed their intention and readiness to support the government, whenever they should be called upon. Not to have proceeded, would have been to incur imputations which no honorable man would suffer to rest upon him.

The time had now come to carry the laws into effect. The Assembly had directed that all the public property should be delivered up. This resolution had not been complied with. It was of great importance that the arms of the State should be recovered from the opposing government,



which had rightfully ceased to exist. After consultation with the military officers present at a meeting in the evening of the 17th of May, the defendant ordered that a movement should be made to gain possession of the arsenal in Providence, where these arms were deposited. A force of 234 men proceeded to execute this purpose, not far from 2 o'clock on the morning of the 18th May; first repeating the demand, which had been already made by the General Assembly, for the surrender of this portion of the public property.

Mr. Dorr then described the proceedings at the arsenal, after a demand for its surrender had been made and refused; the placing of the men and pieces in position; the change of position in consequence of the darkness occasioned by a dense fog, which had come up after the force had been put in motion for the arsenal ground; the detachment of a body of men to lie very near to the building, to carry it by assault, so soon as the door should be opened to return the first fire of the artillery without; the order to fire; the flashing of the pieces, which were rendered unserviceable by dampness or water, and could not be discharged; the immediate disorganization and retreat of the men without orders; the withdrawal of the pieces, and the return of the defendant, after daylight, with the last of the men, about thirty in number, to headquarters at Anthony's house.

The statement that the defendant had attempted to fire one of the artillery pieces was not true. The tendency, if not the intention, of this story, was to show a development of destructiveness on the part of the defendant, which could not intrust to subordinates the performance of duties which they were ready and more competent to discharge. The defendant did not that night wave a torch, or apply it to either of the guns. A commander may be placed in a position where it devolves upon him to do the work of others. No such necessity there occurred. The defendant gave the order to fire the pieces. The whole responsibility rests on him.

The defendant then further proceeded to describe the occurrences of the morning of the 18th; the return to Anthony's house of only sixty men; the appointment of new officers; the preparation to maintain the ground; the firing of the signal guns at 7 o'clock, without the return of more men; the receipt of a letter from several members of the legislature in Providence, stating that the members in the city had resigned their places, and that all support was withdrawn from the governor; the report to defendant of the commanding officer that the men who had remained were leaving; the alternatives of a surrender or a retreat; the order to the commanding officer to fall back with those who were left, and to dismiss them in his discretion; the departure of defendant at half-past 8 o'clock; the arrival of the charter forces, 600 to 800 in number, from one to two hours afterward in the forenoon; the conduct of the 27 suffrage men who fell back with the pieces and kept them; the pretended "compromise," with which defendant had, and could have, nothing to do—the suggestion to compromise a constitution bearing absurdity on its face.

Defendant said that, if a rally had taken place in Providence after he left on the 18th, it was his intention to return. Defendant went directly to the city of New York, where he remained till the 21st of June, when he left, that place for Norwich, in the State of Connecticut.

It will here be asked, why, after so unpromising a result, and such a failure of support, any further attempt was not abandoned as impracticable and hopeless, and the defendant did not regard himself as discharged from

any further obligation to the cause and the government, which he had thus ineffectually endeavored to carry into effect. The reply is, that rights and duties are not to be measured by degrees of success or failure. The cause was the same; the obligations resting upon the commander-in-chief were not relieved by any events which had as yet occurred. The constitution was valid and subsisting. The people could abandon it by their votes or by their acts. They had done neither. This misadventure in the city of Providence was attributed to unforeseen circumstances, to accident, to the want of a more general notice in the country towns for a general rally at the headquarters of the State, to a temporary panic in the city, to the pusillanimity of leading friends of the cause in that place, from whom better things were expected, and whose hearts had failed them in the moment of trial. Encouraging reports and statements were received by the defendant, through letters and by visitors, from various parts of the State, all indicating an earnest desire to retrieve the late disaster, to regain the position that had been lost, and to carry into complete effect the constitution and government of the people. A second opportunity, he was assured, would not be lost upon the defenders of the common cause, whom defeat had aroused to new exertions. Favorable expectations were entertained by them from the transfer of the legislature to the country from the city; and which would have the effect of drawing together a great body of men for its protection, and to overcome resistance to its laws. The quotas of men in the several towns, including Providence, who were pledged to support the defendant whenever he should again call upon them, amounted to 1,300.

It was my duty (said Mr. Dorr) to give the people another opportunity to sustain their government; and if it had not been given, the loss of the cause and the death of the constitution would have been laid at my door, and by many who had promised to stand by them to the last. No such charge now rests upon me, or can impeach my memory.

I left New York (said Mr. Dorr) with the general intention of carrying into effect the government under the people's constitution, but not without a proper consultation as to the time and manner of proceeding.

The defendant reached Norwich on the 22d of June, and sent an order to Gloucester to convene a council of military officers, who were to consult whether any steps could now be taken, and, if so, what. If they should deem it expedient to select a spot of ground for defence, they were cautioned to find a position that was tenable. No council was held. A precipitate gathering of men took place at Chepachet, without orders, on the 23d. The capture of Shelley and his associates gave the first impulse. They were supposed to be the scouts of an attacking party on the village of Chepachet. When Col. Comstock in his testimony stated that this was an "accidental meeting," he meant to be understood that it was voluntary, and without command, or the specification of any definite object beyond the present protection of the place.

Having been informed that 500 men in arms were already thus assembled at Chepachet, the defendant set out and arrived there on the morning of the 25th of June. He forthwith issued a proclamation to convene the legislature at that place, instead of Providence, on the 4th of July. He also issued and repeated special written orders to the military in all the towns of the county of Providence, and as much farther as practicable, to repair to headquarters, and support the government of the State against all opposition, present or intended. Ample notice was given to a large majority



of the friends of the constitution of the exigency which now required their services; and those who had pledged themselves to respond to the call of their commander, had now the desired opportunity to manifest the sincerity of their professions, and the reality of their devotion to the cause of the people.

The appearance of things on his arrival was to the defendant justly the occasion of surprise and disappointment. A slight breast-work was found thrown up on two of the sides of a hill, which was commanded by several other heights. There were then about 140 persons in arms. On Saturday afternoon an order was given on the hill, by defendant, to count all the armed men; and the return consisted of one hundred and eighty or ninety; some thirty of whom shortly after left the ground, and returned to their homes. It was a volunteer movement. None were forced into the ranks, and, until Monday the 27th, all were at liberty to depart as freely as they came. On that day all who took up arms were required to retain them, and to submit to the usual discipline of the camp.

Of the large number of spectators from various quarters, few remained to share the fortunes of the field with those who occupied Acote's hill. Their curiosity was satisfied, and they departed. Of the 400 to 600 who were pledged in the city of Providence, 35 men and 10 officers arrived at the camp. The greatest number of the military at any one time, during the affair at Chepachet, including all in the place who were under arms and subject to orders, was about 225. This was the average statement also of all the witnesses who were in the best position to know; and you have heard their testimony. Among them, are the colonel in command, the acting adjutant general, one of the aids of the commander-in-chief, and several spectators who visited the hill, and who took no part in the transactions of the time.

The defendant alluded to the perversion, by political malice, of some of the expressions in an address to the troops; to the 13 "Spartans," as they were called, from New York, (whose numbers and designs were so much magnified at the time by our opponents for political effect,) as a company of mechanics, whose leader was an engraver, and a man of remarkable abilities; to the capture of Mr. Knight as a spy, from whom it is now first heard that he was fired upon before his capture by one of the guards; to the national flag under which the men were assembled; to the defective supply of provisions, sufficient only for a few days, and received by contribution, or purchased with means collected on the ground; to the want of balls for the artillery, there being only enough for an engagement of about 15 minutes; to the means for carrying on a campaign, which were too small to be named, the reliance being on the prompt action of the great mass who voted for the people's constitution; to the temperance which was maintained by closing and keeping closed, at defendant's request, the bar of the public house; to the respect paid to private property, which was enjoined on all by the commander-in-chief.

With regard to the design to take the city of Providence, of which so much has been said, all that could have been implied in it was to seat the legislature in the house which was appropriated to them, and to defend them there; to place the public officers where they belonged, and to sustain them and the government generally by all necessary means. But there was nothing in the condition of affairs at Chepachet to suggest this step; and no such plan was ever suggested among the officers, whatever might have



been the wishes or the words of individuals. Of course, there was no proposition for occupying the college buildings in Providence as barracks; though they were tendered by the president of that institution to the charter troops, and occupied for this purpose. All the surmises of an intention on the part of the suffrage forces to enter Providence, with the watchword of "beauty and the banks," and to invade the property and the homes of the citizens, were the base inventions of the enemy.

The defendant pointed the jury, with feelings of just pride, to the general appearance of the "men of Chepachet" who had been summoned here as witnesses, if the jury were desirous of seeing what description of persons they were who took up and retained arms for the constitution and rights of the people. It appears from the testimony, that these brave and true-hearted men were, for the most part, hard-handed farmers and mechanics, already possessed of suffrage themselves, and coming forth to contend for the rights of their unfranchised fellow-citizens, who chose to stay at home. Let no reproaches be cast upon these men of Chepachet, said Mr. D. Let them rather fall on me, in whatever form, or upon whatever pretence, rather than on the associates who so nobly responded to the call of duty, in the discharge of which they were ready to sacrifice their lives. They were not only, with the vast odds against them, ready to defend their post, but to meet their opposers half-way on the road. When the rumor of an approaching force reached them, they stood at their quarters, to return with interest what they might receive. However it might now be the fashion to disparage the men of Chepachet, the time was not distant when a general public opinion would attribute to their agency all the political liberty that is now possessed in Rhode Island. It is a fact, that may be denied, but which is fully sustained by evidence, that the bill to call a convention to frame a constitution was not introduced and passed in the charter legislature of 1842, until the legislature had become satisfied that an actual gathering of men in arms had taken place at Chepachet. The shield of their attack upon one constitution, was the promise to substitute another.

The defendant then referred to the mortifying but indisputable evidence presented to himself and his associates, that the people of the State had ceased to desire that their government should be defended and carried into effect. They had been called like "spirits from the vasty deep," but they did not come. No attention had been paid to the military orders sent to the towns. We were not supported by the people. We had assembled at Chepachet, not as a faction, to contend for our own special interests, but for the common welfare. We were not only abandoned by our party men, but remonstrated with, denounced, and condemned by them. They were even taking up arms against us. We were reduced to the necessity of fighting both our friends and our enemies. The will of the people thus manifested was obeyed, and we ceased to contend.

The defendant then went on to describe the call and proceedings of the council of military officers, and their deliberations on the course which it was most proper to pursue. The defendant laid before them the state of affairs, and his own opinion that it was impracticable for them, of themselves, and in the midst of a general desertion, to maintain the position which they had assumed. The conclusion of the council was, that duty required us to disband. The order to this effect was approved by the separate voice of the members. It was communicated to the men in camp by the general commanding, between six and seven o'clock in the afternoon

of June 27th. As it had not been discussed among the men, it may have occasioned surprise and dissatisfaction with some who were not aware of all the facts. But the feeling was momentary. And we separated, though with bitter regrets, yet with the conviction that our duty had been fully discharged to ourselves and to the cause. The order to disband was given when no enemy was near, and it could be issued and obeyed without dishonor. The charter forces did not present themselves in the village of Chepachet till the next day, thirteen hours after the disbandment; and then they would have found no trophies, had the order to dismantle the hill been complied with.

A letter containing the order to disband was forthwith communicated to Mr. Burgess, a friend in Providence, for publication in the Express, the paper of the suffrage party; but the order was intercepted in Providence, delivered to Mr. B, read by him in the presence of the captors, and shortly after, in the same evening, before the governor and several of his council and the commanding general McNeill; all of whom were thus early informed that they had no enemies to contend with, and were able to govern their future movements accordingly.

The defendant left Chepachet about an hour after the disbandment had taken place, at a quarter before eight, in company with Colonel Carter, one of his aids.

Thus ended all attempts to carry into effect the government set up under the constitution of the people. It was abandoned by those who had most solemnly resolved to maintain it by all necessary means, and who had given to the defendant the assurance of their prompt and unfailing support, whenever it should be called for. He retired from the field conquered, not by his enemies, but by his friends.

Defendant then proceeded to speak of his motives in returning to this State. He had intended to do so before the revocation of martial law; and aware of the consequences, but not at liberty, in the view of honorable considerations, or desiring to avoid them, he addressed a letter to some of his friends in Providence early in August, 1842, to ask them if any duty in their political service remained undischarged, and if they had any further claims upon him. The reply was, that his personal liberty was still of value to them, and that he might serve their cause by preserving that liberty, and prolonging his absence from the State, while they were exerting themselves to retrieve their losses, and save themselves by the power of the ballot-box. But this instrument the suffrage men of Rhode Island seemed to hesitate in employing at the vitally important election of April, 1843, as they had before hesitated to employ the cartridge box when force had become indispensable to the safety of their cause. Through desertions, they were overthrown at this election. The defendant's resolution was immediately taken to return to the State; and his return was deferred to the month of October only by his private concerns and by bodily illness. He returned here, not in the spirit of defiance, or courting persecution, but as a Rhode Island man, who had a right to be here, who desired or sought no domicile abroad, and was unshaken by defeat in the avowal of the doctrines of liberty, which he had ineffectually attempted to reassert in the land of Roger Williams. The return of the defendant was voluntary and free. He was not forced back by the efficacy of rewards promised his captors, or by any compliance abroad with the requisition of this State, in a case when no wrong was deemed to have been committed. The consequence of having thus obeyed, by his re-



turn, a sense of honor and duty, is attested to you by the proceedings which have now so long occupied your attention.

Mr. Dorr enforced upon the jury the conclusion which fairly and unavoidably resulted from this rapid survey of the course of action which he had pursued; that, as the rightfully elected chief magistrate of the State, he had acted strictly in conformity with his duty and obligations—not omitting on the one hand what the constitution and laws required of him, or exceeding on the other the bounds of authority in the adoption of measures which the necessity of his position required; not inviting other men into dangers which he was not ready to share with them; not drawing the sword for mere destruction, but in the support and defence of the government which had been intrusted to his charge. The jury were thus brought back again to the great and vital question of the case—a question of rights and of principles, affecting not merely the fortunes of the defendant, but the liberty of the people, and reaching to the foundation of our republican institutions.

But he had already trespassed upon their time, and would hasten to the close of his remarks.

Gentlemen (said Mr. Dorr) if I am in the right, as I then believed, and now believe, with an unshaken confidence in the truths for which I have contended in this State, then the blame, if any, is, not that I served too well, but that I did not serve still better in this righteous cause. Claiming no exemption from the frailties of our common humanity, but, at the same time, conscious of having been animated by good motives in the pursuit of justifiable and honorable ends, I commit my cause into your hands, with a just hope of your favorable consideration, and with a firm confidence in the final verdict of my countrymen.

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CLOSING ARGUMENT FOR THE STATE, BY JOSEPH M. BLAKE, ATTORNEY GENERAL.

Mr. Blake began by remarking that there had been introduced such a mass of testimony in the case, so many motions made, and inquiries started, with which the *jury* had nothing to do, that he feared they might lose sight of the true question, and the only one they had to decide—whether, in fact, the defendant levied war against the State, as alleged in the indictment. He said there were many subjects intimately connected with the crime for which the defendant was on trial, about which great diversity of opinion had been entertained, and which, on a proper occasion, were worthy of serious discussion, but that on the trial of the issue before them, the jury were not required or expected to give any opinion.

Mr. Blake then went on to enumerate some of them—such as, whether a majority of the male adults of the State actually voted for the *so called* people's constitution; and if they did, whether they *intended* anything more than a simple expression of opinion in favor of a written constitution for the State; how far *suffrage* should be extended; and what *residence* should be required as a qualification; whether a *majority* of the people of a State, without the assent of the *minority*, and without an authority *by law*, have a natural right, at their pleasure, to change a government founded on compact, and declare and make such new government binding on all. With all these, however important, and greatly as they had been agitated during the late disturbances, the jury were not to meddle; all evidence on those points



having been ruled out by the court, leaving them only to decide whether the defendant had levied war against the State. If he did so levy war, then he was guilty of treason—the highest crime known to the law. That it embraced or led to all other crimes—murder, rape, robbery, and the whole catalogue of human transgressions. That it aimed at the sovereignty of the State, and the subversion of all government. That no attempt at revolution can, by any government, be admitted as legal. That there could be no ranker absurdity than a *legal* or *constitutional* rebellion. That the *success* of rebellion gave it its legality. That, in despotic governments, attempts at revolution were often morally right and patriotic, even when unsuccessful; because, in them, there might be no other available mode of redress of grievances; and justifiable, as in the language of the declaration of independence, when government becomes destructive of the true ends of government—the security of life, liberty, and the pursuit of happiness—and when *all* other means of redress have been resorted to perseveringly, in good faith, *and failed*. In no case can such an attempt be justified, unless the change would promote the general good, or unless the *means* are obviously adequate to the *end*. Bad government is better than none; and no condition of a people can, from oppression, be so bad as not to be made worse, by frequent insurrections and civil war.

Mr. Blake next spoke in terms of commendation of the principles of Rhode Island government, as securing the people from oppression, and of its correcting itself through the force of public opinion; and instanced the existing State constitution, made and adopted by the freeholders, liberally extending and securing the right of suffrage.

He (Mr. B.) next took up the history of the suffrage cause in this State, in reply to the remarks of the prisoner. He denied that there was any evidence that the legislature had at any time refused to conform to what they *knew* or *believed* to be the wish of a majority of the people upon this subject. That prior to 1841 there never had been a majority in favor of a written constitution; he stated that even a small party in its favor could keep up its organization but for short times; and that the prisoner himself, after he had been instrumental in that organization, had once been a candidate for Congress, without making that a test question, or placing his pretensions to support on that ground; that he was run as a democrat merely, and on that principle received the support of the democratic party.

He then proceeded to a review of the legislative proceedings upon the petition of Elisha Dillingham and others, presented in January, 1841, praying for an extension of suffrage; stating that the General Assembly promptly responded thereto by calling a convention to frame a constitution; and went on in attempting to show that the object was defeated by a few scheming politicians, and by creating an excitement to restore the ascendancy in power to the defeated democratic party of the State, by taking exception to the mode in which the delegates to the convention were, by the act of the Assembly, to be elected, and by thwarting in everything the action of the General Assembly.

After disposing in his own way of this part of the subject, he went on to a consideration of the connexion subsisting between the General and State Governments, attempting to show the great superiority of the American over all other forms of government, and the confidence felt in the stability of the former, derived from the general diffusion of intelligence among the people;

their unlimited confidence in public opinion as a corrective; and in their reverence for the laws until changed in conformity to law.

But (said Mr. B.) the sages who founded our institutions were fully aware of the danger, and, with the wisest forecast, provided against it. And constructed as our National Government is, and as our State governments are, and connected together as they are, we have a more effectual safeguard against revolution than is possessed, or ever was possessed, by any other nation on earth. We look to the Federal Government to regulate our intercourse with foreign nations, and to protect us against foreign aggression; but it is not a more effectual defence against assaults from without, than against domestic faction and insurrection. The States are sovereign within their spheres, but all are intimately connected together. The sovereignty of one cannot be affected, without affecting the sovereignty of all. No one of them can be stricken from its orbit, without disturbing, if not destroying, the whole system.

By the federal constitution, the United States are to guaranty to the several States the republican forms of government *existing when the constitution was adopted*, and protect them against domestic violence. The State governments being thus protected by the General Government, it is hardly possible that a faction can ultimately prevail by force in any of the States. From these premises, Mr. B. argued that no successful *rebellion* or *revolution* could ever occur in this country, however it might originate, or however widely spread, until a great majority of the people of a majority of all the States shall become infatuated for the horrors of war, rather than resort to the peaceful remedy of the ballot box.

Mr. B. next proceeded to say that the defendant was aware that the United States would be bound, upon application of the governor or the legislature, to protect the State against domestic violence; and intended to call in forces from other States to resist the power of the General Government, and commit treason against the United States also; and insisted that, admitting the extent of the grievances to have been such as would justify revolution, still he had no *right* to resort to arms, unless he had adequate means to insure success, or strong reason for believing so. That, with all the aid derived from the *sympathisers* at the Pewter Mug and Tammany Hall, New York, his whole force (either at Federal hill or Chepachet) was but 300 or 400 men! This was the extent of his means, and with them he commenced a revolution of this State and the United States. But (said Mr. B.) *the prompt action of our own authorities, and of our own citizens, rendered the interposition of the power of the General Government unnecessary.* Rhode Island proved able to take care of herself. The spirit that was with her early citizens in their struggle for regulated liberty is still alive, and her sons still possess hearts to cherish, and arms vigorous to defend her institutions against assaults from within or without.

[At this point, Mr. B. intimated to the court that he proposed now to consider the question which had been previously argued to them by the prisoner's counsel and himself, viz: whether treason can be committed against an individual State.]

*Durfee, Ch. J.*—It is unnecessary for you, Mr. Attorney, to take up any time on that point. The court are unanimous in opinion on that point.

*Mr. Blake.*—Since, then, gentlemen of the jury, the court deem it unnecessary for me to say anything on that subject, we may well take it for granted

that treason may be committed against a State; that levying war against a State is not necessarily treason against the United States, but is treason against the State. There is no dispute as to what is levying war. "An assemblage of men for the purpose of making war against the government, and in a condition to make it, (not to make it successfully,) is levying war—is treason. Enlisting and marching men are sufficient overt acts, without coming to battle. If an army, avowing hostility to the government, should march and countermarch before the enemy, and then disperse without firing a gun, it would be levying war." Mr. B. said he had intended to go into an examination of the testimony, but the defendant had admitted the facts, and he did not know that he might not with safety have asked for a verdict against him, *as upon a confession made in open court*. It was, however, he said, proved and admitted that the defendant collected forces, commissioned officers, and directed the troops as their commander, in May at Providence, and in June at Chepachet; that he attempted to take the public property, and ordered the guns to be fired upon those who defended it; that the troops under his command took prisoners of war, and conducted in all respects like a hostile army; that the object of all these movements was to overthrow the existing government, and to establish another in its stead; that the whole case was made out. But it is contended (said Mr. B.) that, in all these proceedings, the *motives* of the defendant were pure and patriotic, and not traitorous. You can judge of a man's motives only by his acts. There is no process for seeing the workings of the heart, by which to determine the secret springs of action. The defendant says he did not intend to commit treason. But he intentionally levied war against the State, and the law makes *that* treason, whatever else he might have intended. The law affixes the intent to the act. A man who should *burn* his neighbor's dwelling might as well set up in defence that he did not intend it should be *arson*. A man accused of *theft* might have a good defence on the ground that he took the goods by *mistake*; but it would hardly do for him, at this day, to admit the intentional taking, and contend that he did not intend to commit theft, for the owner was rich, and he sincerely believed a more equal distribution of property would promote the public welfare. I suppose (said Mr. B.) there never was a *rebellion* in which some of the parties implicated did not believe their conduct justifiable. *But a jury cannot consider that question*; the pardoning power may; juries and courts must be governed by the law and the evidence. Did the defendant levy war? is the only question you have to answer by your verdict; and there is no way for avoiding the question, for the facts are all proved and admitted. He has given you a history of his arraying troops, of the attack upon the arsenal, of his leaving the State, of his encampment at Chepachet, and his plan of attacking the forces of the United States. Is it not astonishing that a man of intelligence, in a country like this—more blessed in her political institutions than was ever any other country on earth—should openly admit his intention to overturn the government of his native State by civil war, and carry on the war, if need be for the attainment of his purposes, against the United States, and detail the particulars of the whole affair, as though it were a matter of every-day occurrence, and as coolly, and with as little emotion as he would detail the progress of a negotiation for merchandise, or any other business transaction! He would even arraign the counsel who opened for the government, and place him on the defensive, because he characterized the treasonable acts of the defendant as they are charac-



terized by law. He would have had him concede that, in his attempts to shoot down his fellow-citizens, his motives were most honorable and disinterested, and, for aught I know, most *benevolent* and *christian*.

Mr. B. proceeded to say that no small portion of the defendant's testimony was irrelevant to the issue the jury were trying, but intended for effect out of court; that, although he well might, he did not object to its introduction; yet that, on the part of the government, none had been offered which had not a direct bearing on the question before the jury. Such matters as had been thus thrown into the case by way of embellishments, he should not stop to discuss, but merely allude to some portion of the testimony in justice to some of the witnesses whose credibility was impeached.

[Here Mr. Blake, at some length, attempted to sustain the testimony of Mr. Orson Moffatt, but offered no additional light on the subject. By the time he concluded the topic, it was quite dark; and the court took a recess until half past 8 o'clock p. m., at which time Mr. B. continued his argument as follows:]

Mr. Blake next commented on the testimony of Colonel W. P. Blodget and E. H. Hazard; that they without doubt heard what they swore, although none of the defendant's witnesses should have heard the same; they might also have sworn to expressions used by the prisoner, which neither Blodget nor Hazard could recollect; and that the character of the two government witnesses was too well known to require any vindication.

Mr. B. next reviewed and commented on the testimony of Richard Knight, taking occasion to sneer at the prisoner for attempting to vindicate himself from the charge of the opening counsel, that some portion of the troops at Chepachet were blacks; and because the attempt was made arguing that the prisoner did not admit that blacks had any *souls*, or any civil or political rights.

It is contended (said Mr. B.) that whatever acts were done by the defendant, connected with the charges laid in the indictment, he did as the agent, in the name and for the benefit of the people, and therefore you are urged to infer the purity and patriotism of his motives. Now, what *portion* of the people was he the agent of? and how many of them were in favor of civil war? There could not at that time have been in the State less than six or seven thousand men in arms. How many of them were his followers? Why, 234 at the arsenal, and 250 at Chepachet: these were for subverting the State government by a civil war, and their will he was willing to regard as law, and to sacrifice himself in effecting it.

His own legislature, in May, would not give him countenance in using force; so, soon after, he, on his own responsibility, resorted to it, in open defiance of their will and authority. And here Mr. B. commented with some severity on the prisoner's motives—urged to it, as he said, by the attack made upon the counsel; and concluded by saying that “he (the prisoner) may have been governed by principle. If so, it was a cold, abstract principle—a principle which petrified the heart.”

The counsel for the defendant has undertaken to ridicule the testimony of Mr. Hazard, as to the alarm which pervaded the city of Providence on the night the arsenal was attacked. And here Mr. B. gave the jury a highly wrought picture of the real or imaginary terrors that pervaded the city at that time; but as it did not seem to bear upon the guilt or innocence of the defendant under the indictment, no attempt is here made to trace it.

Mr. B. resumed the argument, by stating that the defendant declared he

should not resort to other States for aid, unless, upon a requisition, the President should order United States troops to support the State authorities; in that event, he did expect aid, and intended to resist the troops of the United States; and he very coolly tells you his design was, in that event, to commit treason as well against the United States as against this State. For such is the law, as laid down by Judge Story in his charge to the grand jury, in this court-house, in relation to this very case.

[Here the attorney general read a part of the charge found in 1st Story's Reports, and then proceeded.]

It was the defendant's intention, then, as he admits, to levy war against the United States, at the risk of involving the whole country in all the horrors of civil war. Was ever so great a work undertaken with means so disproportionately small—with so little prospect of success? Was there ever a calamity so great, produced by so trifling a cause? Admitting the establishment of the people's constitution to have been just and desirable after the question of suffrage had been conceded—I ask, if the cost of effecting it, as estimated by the defendant himself, would not have been greater, infinitely greater, than the good sought to be obtained?

Mr. Blake next drew a picture of some of the consequences that must have been caused by such an attempt; and went on to say that many of the original members of the *suffrage party*, when they found the defendant intended a resort to force, deserted, denounced him, and took up arms with the charter troops to oppose him; ascribing, after all, the bloodless issue of the contest to the overruling care of a special Providence, that would still continue to guard and protect us.

But it is urged by the defendant, (said Mr. B.,) that in trying him, you also try the 14,000 men who voted for the people's constitution. If you were trying him for voting for the constitution, that might be true. But you are trying him for *levying war*; and if anybody else, it would be more proper to say the 200 or 300 who were with him, and willing to carry out his plans by force. You, however, are not trying the validity of that constitution, or the legality of the existing government, but a naked question of fact. Did the defendant levy war, or not? If he did, he committed treason.

Mr. B. next enlarged on the duty of the jury in standing by the law, their own interest and the peace and security of the whole alike requiring it. Mr. B. conceded there *might* have been *brave* men with the defendant, but very few; and Colonel Wheeler, who ran off in the fog, he considered a good type of the *insurgents*, as he styled them generally.

Mr. B. told the jury that all the points of law raised by the defendant had been ruled against him by the court; but the defendant, after a *verdict against him*, could move the court for a *new trial*, or in arrest of judgment, or apply to the legislature for a pardon. That if the defendant did levy war, they must find him guilty—that had nothing to do with the law; the court would take care of that. That the defendant himself had confessed all the facts; and if they refused to find him guilty, it would be the severest blow which they could inflict upon the judiciary of the country, the palladium of their rights and liberties. The defendant says that the public will hold you responsible for the verdict you may render in this case. Well, be it so, gentlemen; and recollect that nothing will so brace up a man, amidst friends or foes, in the conflict of parties, as being conscious that in trying times, regardless of consequences to himself, he had performed his duty.

Gentlemen, you are the sworn guardians of the law, in a case of momentous importance—one involving principles that reach to the very foundations of civil government. I will not doubt that you will prove true to the trust, without regard to personal or political or party considerations, nor suffer them to deter you from a faithful performance of the obligations imposed upon you by your oaths.

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The charge of the court to the jury was then given by Chief Justice Durfee.

Gentlemen: In delivering the charge in this case, I shall confine myself very strictly to the notes which I have prepared for the purpose—making, however, such remarks, in illustration of the general propositions which may be advanced, as may seem necessary in order to render them more intelligible. I take this course, that we may not be misunderstood here, nor misrepresented elsewhere, without having it in our power to apply a corrective. We find it necessary in this case to guard against misrepresentation—not particularly against misrepresentations made to the people of this State, who know us, but against those which may be made to the people of the United States, and perhaps to posterity. For no one wishes to disguise it—ay, let it be proclaimed to the whole world, and through all time to come, that the principle which is involved in this issue lies at the very foundations of all our political and social institutions, and that upon your verdict does the future confidence of all considerate men in the durability and safety of our institutions depend. We have, therefore, some ambition to appear as we really are.

The constitution of this State, and the act under which this court is organized, make it our duty to deliver to the jury, in all cases, the law in charge—no very desirable responsibility in any case; least of all in one that has so roused the passions, and deeply stirred and agitated the popular mind; but bound, from the nature of our organization as a court, and with the oath of God upon us, we shrink from no duty, we recoil from no consequences.

In discharging this duty, (I speak not for myself merely, but for the court,) it is of some importance to know what the duties of a court are, and what the duties of a jury are; for they cannot be one and the same in relation to the same case. If it be our duty to decide what the general law of the land is, it is not your duty also to decide it. If it be your duty to ascertain what the facts are, and then apply the law to the facts as you find them, it is not our duty to do the same. A judicial tribunal, which is but a growth of the wisdom of ages, is not so absurdly constituted as necessarily to bring the court into conflict with the jury, and the jury in conflict with the court; and thus to defeat all the ends of justice. If such were the state of things, we could have no law; what the court did, the jury might undo; what the jury did, the court might undo; and thus at the very heart of the system would be found in full operation the elements of anarchy and discord. Let us see if our duties are so jumbled together, that we, as a court, can perform the duties of a jury, and you, as a jury, can perform the duties of a court. It is the duty of this court, and of all other courts of common law jurisdiction, to decide upon what evidence shall pass to the jury, and what shall not. Questions as to what is evi-



dence, and what not, will arise; and in all time it has been made the duty of the court to decide them. It is the duty of this court, as of all others of like jurisdiction, to decide what shall pass to the jury as the law of the land, touching the indictment on trial, and what shall not; for questions as to what is law, and what is not law, will in like manner arise, and the law has appointed none but the court to decide them. If it errs in its decisions, it can correct them on a motion for a new trial, if the verdict be against the prisoner; if it wilfully decides wrong, its members are liable to impeachment and disgrace. When the evidence has passed to the jury, it is their duty to scan it closely—to decide what is entitled to credit, and what not; and when they have determined what the facts are, that are proved or confessed, they apply the law which has been given them to the facts thus ascertained, and then, acting as judges both of the law and the evidence, return a verdict as to them, deciding under their oaths, may appear to be right. Here is no conflict of duties. The jury acts in harmony with the court, and the court with the jury.

Gentlemen, it has been our desire in this case to adhere strictly to our ordinary course of ruling upon all questions that were brought before us. We were determined, if possible, to go not one hair's breadth beyond our duty, nor fall one hair's breadth short of it. In the eye of the law, all men who stand at the bar of this court, accused of crimes, stand equal. We have no favors to deal out to the man of distinction or notoriety, which we deny to the lowly and obscure. In the eye of this court all are equal; and while we allow them the same rights, we subject them to the same rules. We have been earnestly pressed in this case to depart from our ordinary course of ruling in criminal cases. This I attribute mainly to the want of familiarity on the part of the accused and his counsel with our usual course of ruling here in criminal trials. We have been urged to permit them to argue questions of pure law to you, gentlemen—questions touching the jurisdiction of this court; questions touching constitutional law; to argue over again questions which have once been solemnly decided after full argument by eminent counsel, and which we considered closed questions—and that, in the midst of a jury trial! All these motions we have been obliged to overrule, reserving to the accused the right to be heard, should it become necessary, on a motion for a new trial. Not that we have any doubt of the correctness of our former rulings, but that we will not refuse him a hearing in the proper stage of the proceedings. And now, after those rulings, the case comes to you to be decided according to the evidence which has passed to you, and the law which shall be found applicable to it.

What is the crime set forth in the indictment? It is treason against the State—the highest crime known to the law; in this State, punishable with imprisonment for life; in all others, where it is named, punishable with death; and if we pass from our own to foreign lands, and particularly to that country whence we derive all our political and legal institutions, punished with death inflicted under circumstances calculated to strike the greatest terror, and to fix on the memory of the criminal the most lasting infamy. I mention this, not forgetting that many noble hearts have fallen victims to the accusation of treason under arbitrary governments; but simply that you may estimate the universal sentiment of abhorrence with which this crime is regarded, and that you might, while you thus estimate it, feel that it is your duty to require the most satisfactory evidence that it has been com-

mitted, and that the defendant is guilty, before you return a verdict against him on the one hand, and that you may feel, on the other, the necessity of discharging, with firmness and fidelity, that duty which every juror owes to his country, under the oath which he has taken to return a verdict of guilty on legal proof of guilt. It is no less the duty of the jury than of the court to secure the peace of the State, by aiding in the firm and impartial administration of the laws.

Now, the first question is, can this crime be committed against one of the States of this Union? This question can be considered wholly irrespective of this indictment, wholly irrespective of the guilt or innocence of the prisoner. It involves no fact *in pais*. It is a question of mere constitutional law, and for the court alone to decide. And as the organ of the court, I say to you, gentlemen, that wherever allegiance is due, there treason may be committed. Allegiance is due to a State, and treason may be committed against a State of this Union. The defendant and his counsel have gone into an argument to show where the sovereign power is; and that it is in the people of the United States, considered in their primary or natural capacity; and that it is that people which is sovereign in the State of Rhode Island, and not the organized people of the State itself. In answer to that, it is sufficient to say that we know of no people of the United States, save that which the constitution of the Union has organized and formed, and they are sovereign only to the extent, and in the qualified sense, which that instrument expressly grants and defines. Against the natural people, the *primary* or *capacity* people, (I wish I could command a better phrase,) no crime whatever can be committed, save that which, in violation of the laws of God, or a man may perpetrate on another. It is against an organized people only that any crime, and especially the crime of treason, can be committed. We cannot enter into those speculative inquiries as to the origin of government. Sufficient for the court and jury is it, that government exists. They must take it as it is; and where the plain letter of the law prescribes to them their course, that course they are bound to pursue, no less from a sense of duty than by the requirements of the oath of God which is upon them. The constitution of the United States itself—an instrument in which it is hardly to be sought for—recognises the fact that treason may be committed against a State, by an implication too strong to be resisted. It expressly provides against that a person accused of treason in any State, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

The result of the debate in the convention that formed the constitution of the United States, in reference to the article defining treason, is in accordance with this view. The decision of all the courts of these States that have had occasion to touch the question, the opinions of all our commentators on constitutional law, recognise the same fact. The circuit judge of the United States who presides in this district, (Justice Story,) in his recent charge delivered in this district, in contemplation of the then unsettled disturbance in this State, repeating almost *verbatim* the language of the Virginian commentator on Blackstone, distinguishes between treason against a State and treason against the United States. As I understand his views, treason against the State, and treason against the United States, are to be distinguished, the one from the other, by the immediate objects and designs of the conspirators. If the blow be aimed only at the internal and municipal reg-



ulations or institutions of a State, without any design to disturb it in the discharge of any of its functions under the constitution of the United States, it is treason against the State only; though, if the object be to prevent it from discharging those functions, (as the election of Senators or electors of President, and the like,) it becomes treason against the United States. If any further judicial opinions, delivered with reference to our recent troubles, were wanting in order to confirm these views, we have them in the opinion of the same court, and the same judge, deciding on the sovereign authority of this State to proclaim martial law. Can it be doubted that that power which, of its own constitutional authority, can proclaim martial law, is sovereign, or a delegated sovereignty, and that it may define and proclaim what treason is? If any further authority were requisite on this point, we have it in the fact shown in the argument of the question to the court—that eleven out of twenty-six States of our Union have inserted an article in their constitutions, defining the crime and providing for its punishment, and that two others have made the same provision in their statute laws. The statutes of no other of the States have been referred to, nor have been examined by the counsel. The probability is, that, if they were examined, we should find, not that thirteen only of the States, but that the whole twenty-six have defined this crime, and made provision for the punishment of it.

The power to provide for the punishment of this crime, the legislature derives not from the United States, or the people thereof; but from our own people, from the organized sovereign people of the State. That legislature exercising this power has declared that treason against this State shall consist only in levying war against the same, or in adhering to the enemies thereof, giving them aid and comfort. This law, we now say to you, is *constitutional*, and binding on all; and that the sovereign authority of this State is such, that treason can be committed against it.

We are now prepared, gentlemen, to consider the indictment. The indictment consists of four distinct counts, upon either or all of which you are to return a verdict of guilty, or not guilty, according to the evidence which has passed to you, and upon that evidence alone. Nothing that comes within your mere personal knowledge is to be taken into account. You are to presume that the defendant is innocent at the outset, and to be led to a conviction of his guilt, if to that conviction you come, solely by force of the evidence given to you, or of the admissions made.

Each of these counts substantially charges that the prisoner, being under the protection of the laws of this State, and owing allegiance and fidelity to the said State, not weighing the duty of his said allegiance, and traitorously devising and intending to stir up, move, and excite insurrection, rebellion, and war against the said State, with force and arms, unlawfully and traitorously did conspire, compass, imagine, and intend to raise and levy war, insurrection, and rebellion against the said State; and, in order to perfect, fulfil, and bring to effect the said compassings, imaginations, and intents of him, the said Thomas Wilson Dorr, he, the said Thomas Wilson Dorr, with a great multitude of persons, amounting to a great number, armed and arrayed in a warlike manner, being then and there unlawfully, maliciously, and traitorously assembled and gathered together, did falsely and traitorously assemble and gather themselves together against the said State, and then and there, with force and arms, did falsely and traitorously, and in a warlike and hostile manner, array and dispose themselves against the said State, and then and there, in pursuance



of the said traitorous intentions and purposes aforesaid, he, the said Thomas Wilson Dorr, with the said persons so as aforesaid traitorously assembled and armed and arrayed, in manner aforesaid, most wickedly, maliciously, and traitorously did ordain, prepare, and levy war against the said State, contrary to the duty of his said allegiance and fidelity, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

The particular overt act charged on the prisoner in each count, is, that he, together with the armed multitude described, with force and arms, did falsely and traitorously, and in a warlike and hostile manner, array and dispose themselves against the State. The only essential difference in the counts is, that the first two charge the overt acts to have been committed in Providence—the first on the 17th of May, 1842; the second on the 18th of the same month. The two succeeding counts charge the overt acts to have been committed in Gloucester, in the county of Providence—one on the 26th day of June, 1842; the other on the 27th of the same month.

The overt act charged in each of these counts must be proved by at least two witnesses, or by the prisoner's confession in open court. They may be the same two witnesses, or other two witnesses; but two witnesses at least there must be. There must be two witnesses to prove the particular overt act or part which the prisoner is in each count charged with having taken in the levying of war; and when once any particular overt act is fixed upon him by the two witnesses required, or by the confession, he must be deemed guilty of levying war, as described and proved under that particular count which contains such overt act. The acts of the armed assemblage then become his, unless he prove that he had abandoned the conspiracy, or was so absent that he could not have participated in it.

Now, the first question of law is, what is it which constitutes the levying of war within the meaning of the act? In giving you the meaning of these words, we shall rely as little as possible upon our own judgment. We shall endeavor to be governed as much as possible by the opinions of those able jurists who, undisturbed by the excitement and alarm of an agitated community, have, after calm and deliberate consideration, pronounced their meaning. "To constitute," says Justice Story in the charge to which I have already referred, "an actual levy of war, there must be an assembly of persons met for the treasonable purpose, and some overt act done, or some attempt made by them with force to execute, or toward executing that purpose. There must be a present intention to proceed in the execution of the treasonable purpose by force. The assembly must now be in a condition to use it, if necessary, to further, or to aid, or to accomplish their treasonable design. If the assembly is arrayed in a military manner—if they are armed and march in a military form, for the express purpose of overawing or intimidating the public, and thus attempt to carry into effect the treasonable design, that will of itself amount to a levy of war, although no actual blow has been struck, or engagement taken place." This construction of the meaning of the words "levying war against the State," accords entirely with the opinion of Chief Justice Marshall, delivered in the case of Aaron Burr, and, in the main, with that of all eminent American jurists and writers on the same subject; and we now give it to you as the construction which this court places upon those words.

Let us now consider this construction of the meaning of those words with reference to the evidence which has passed to you under the first two

counts in this indictment. It is for you to say what that evidence proves; but I may put these questions to you. Has it been proved by two or more witnesses, or by confessions in open court, that on the 17th and 18th of May, or either of those days, there was assembled in Providence a body of armed men, arrayed in a military manner; that they had provided themselves with artillery, musketry, or like implements of war, for the express purpose of making an assault upon, or taking possession of, the State's arsenal or magazine of arms in Providence; that they marched on the night of the 17th, or morning of the 18th, with intent of carrying into effect their design; that they arrayed themselves in arms before the arsenal; that the arsenal was at that time in the actual occupation of the military forces of the government of the State; that they sent a messenger with a flag to demand its surrender; that upon the refusal to surrender, the messenger returned; and that upon his return, or before it, one or more of the guns were aimed at the building; that there were two attempts made to discharge them into the building? If you believe these facts have been proved by the two witnesses, or by the confession of the prisoner, it is the opinion of this court, not only that war was levied, but actually carried on against the State, although not a single gun was discharged, and no engagement actually took place.

But, supposing you should be satisfied that war had been thus levied, this will not justify you in returning a verdict of guilty; you must be satisfied by two or more credible witnesses, or by confessions in open court, that the prisoner took a part in it; in other words, his particular overt act must be thus proved upon him. It is observed, in the case of Bollman and Swartwout, that if a body of men be actually assembled for the purpose of effecting by force a treasonable object, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered traitors. "Both circumstances (says Judge Marshall) must concur; they must perform a part which will furnish the overt act, and they must be leagued with the conspirators. He who comes within this description, levies war, arrays and disposes armed men against the State." If this applies to the private in the ranks, it pre-eminently applies to the commander-in-chief. As to him, it can only be necessary to prove that he claims to be such commander, and to prove his presence at the scene of action; for it cannot be supposed that an assault can be made on an armed arsenal or fortress, in the presence of the commander-in-chief, without his orders, unless it be made so to appear. Indeed, it has been declared by the highest authority, that to appear at the head of a rebel army is itself an overt act of levying war. The main question, then, is, Did the prisoner march with this body of men to the arsenal; or was he then and there present, and is the fact proved by the two or more credible witnesses, or confessed by him in open court? If you believe, from such evidence or confession, that he was leagued with the conspirators, and performed a part, the overt act or acts charged are fixed upon him, and there is no alternative but to return a verdict of guilty on one or both these counts in the indictment.

I now pass to the other two counts in the indictment. These charge the levying of war against the State, in Gloucester, on the 25th and 27th of June. Was war then and there levied, within the meaning of the law? That is the first question which you have to decide. An assemblage of armed men for a treasonable purpose may sometimes accomplish its object by the terror



which it inspires; and hence it has been decided, that actual violence to external objects is not necessary to constitute the levying of war. It can hardly be doubted that "if a rebel army," to use the language of Chief Justice Marshall, "avowing its hostility to the sovereign power, should front that of the government, should march and countermarch before it, should manoeuvre in its face, and should then disperse, from any cause whatever, without firing a gun,"—it can hardly be doubted, I say, that it would amount to an act of levying war. True, the government troops were not present, and under the eye of the insurgent force at Chepachet, as at the arsenal; but a portion of the State, if not actually invaded by a foreign force, was, nevertheless, (as all the testimony goes to show,) in the actual occupation of a body of armed men hostile to the government. The laws of the legal government did no longer there afford protection to its peaceful citizens; men were taken and treated as prisoners of war; property was seized by the strong arm of military force. The hostile force occupied an entrenched camp on a hill commanding the public highways, and a number of pieces of ordnance were mounted and loaded, and so directed as best to defeat an assailing force. Ammunition was there; a commissary department was established, and from two to three hundred men were daily drilled on the height, as preparatory to further operations. Everything indicated preparations for a permanent military occupation of a portion of the State. Knowledge of these facts threw the whole State into military array, and subjected it to martial law.

This was the external appearance of the movement; and certainly it does present an appearance of a movement of a warlike character, and equalling, at least, a mere military manoeuvring in front of the government forces, as mentioned by Chief Justice Marshall.

Should you be satisfied by the confession in open court, or by other evidence, that an armed force of two or three hundred persons was actually embodied at the time and place mentioned in the indictment, there entrenched in a fortified camp, with the avowed object of overturning the existing government, and establishing a new one on its ruins, and to that end taking prisoners of war and seizing private property, there is no doubt in the mind of this court but that such acts amount to a levy of war within the meaning of the statute. But though, from the proof in the case, you should come to this conclusion, you still cannot find the prisoner guilty, unless you are also satisfied by the two or more credible witnesses, or by his confession, that he performed a part which will be the proof of the overt act. Here also, to prove that he was present, acting as commander-in-chief, is, as under the two preceding counts, at once to prove that he took a part and was leagued with the conspirators.

The material point here to be proved is the overt act; and any two credible witnesses who swear that they saw him with the insurgent force, armed, marching with them, or performing any other part in furtherance of the common design, are sufficient to establish the overt act. The intent with which he was there, or the character which he, as their commander-in-chief, assumed, may be established by proof of his own admissions, or by his declarations in open court, or by his acts; and may be proved by one, or any number of witnesses, each testifying to a distinct admission or a distinct fact. Now, gentlemen, if it has been thus proved, under either or both of these counts, that he performed a part with the insurgent force—that he was their commander in chief—these two counts also are sustained, and it



will be your duty to return a verdict of guilty; otherwise, a verdict of not guilty, on the same counts, or either of them.

But it is due to the prisoner, since such has been his course, to say, that from the testimony which he has put in, and his declarations here in court, he has seemed to be rather ambitious to show that he was there performing a part, what that part actually was, and how he stood related to his associates.

It may be, gentlemen, that he really believed himself to be the governor of this State, and that he acted throughout under this delusion. However this may go to extenuate the offence, it does not take from it its legal guilt. It is no defence to an indictment for the violation of any law, for the defendant to come into court and say, "I thought that I was but exercising a constitutional right, and I claim an acquittal on the ground of mistake." Were it so, there would be an end to all law and all government. Courts and juries would have nothing to do but to sit in judgment upon indictments, in order to acquit or excuse. The accused has only to prove that he has been systematic in committing crime, and that he thought that he had a right to commit it, and, according to this doctrine, you must acquit. The main ground upon which the prisoner sought for a justification was, that a constitution had been adopted by a majority of the male adult population of this State, voting in their primary or natural capacity or condition, and that he was subsequently elected, and did the acts charged as governor under it. He offered the votes themselves to prove its adoption, which were also to be followed by proof of his election. 'This evidence we have ruled out. Courts and juries, gentlemen, do not count votes to determine whether a constitution has been adopted, or a governor elected, or not. Courts take notice, without proof offered from the bar, what the constitution is or was, and who is or was the governor of their own State. It belongs to the legislature to exercise this high duty. It is the legislature, which, in the exercise of its delegated sovereignty, counts the votes, and declares whether a constitution be adopted, or a governor elected, or not; and we cannot revise and reverse their acts, in this particular, without usurping their power. Were the votes on the adoption of our present constitution now offered here to prove that it was or was not adopted, or those given for the governor under it, to prove that he was or was not elected, we could not receive the evidence ourselves—we could not permit it to pass to the jury. And why not? Because, if we did so, we should cease to be a mere judicial, and become a political tribunal, with the whole sovereignty in our hands. Neither the people nor the legislature would be sovereign. We should be sovereign, or you would be sovereign; and we should deal out to parties litigant, here at our bar, sovereignty to this or that, according to rules or laws of our own making, and heretofore unknown in courts. In what condition would this country be, if appeals could be thus taken to courts and juries? *This* jury might decide one way, and *that* another; and the sovereignty might be found here to-day, and there to-morrow. Sovereignty is above courts or juries, and the creature cannot sit in judgment upon its creator. Were this instrument offered as a constitution of a foreign State, we might, perhaps, under some circumstances, require proof of its existence; but, even in that case, the fact would not be ascertained by counting the votes given at its adoption, but by the certificate of the secretary of state, under the broad seal of the State. This instrument is not offered as a foreign constitution; and this court is bound to know what the constitution of the government is

under which it acts, without any proof even of that high character. We know nothing of the existence of the (so called) "people's constitution" as law; and there is no proof before you of its adoption, and of the election of the prisoner as governor under it; and you can return a verdict only on the evidence that has passed to you. Our ruling on this point is in exact accordance with that on the same point in the trial of the indictment of the State against Franklin Cooley, where, after an elaborate argument, it was unanimously decided that no such evidence could be received by the court, or pass to the jury.

This case is now with you, gentlemen; you can find the prisoner guilty on one or more counts in the indictment, and not guilty on the residue; or you may return a verdict of guilty or not guilty, generally, according as you find the law applies to the evidence given you.

The court has now performed its duty; go ye, gentlemen, and do yours.

*Mr. Turner.*—We wish the court further to charge the jury, that in criminal trials for capital offences, the jury are the judges of the law, as well as of the facts in the case: and also, that the evidence for the State does not support the charge of traitorous and criminal intent, as laid in the indictment.

*Chief Justice Durfee.*—We can charge the jury only as we have charged them: they are to apply the law, as laid down to them by the court, to the facts as they may find them proved before them. On the other point, the only question of intent which the jury have to consider, is, if they find all or any of the overt acts of levying war sufficiently proved, whether the defendant, at the time, intended to commit those acts.

The jury, then, at a quarter before 11, p. m., retired, and the court took a recess. At twenty minutes before 2 o'clock on Tuesday morning, the jury came into court and pronounced a verdict of guilty; which being duly recorded and read, the prisoner was remanded to the custody of the sheriff, and the court took a further recess until 8 o'clock, a. m.

[After the verdict of the jury had been received and recorded by the clerk, Mr. Justice Haile, (Chief Justice Durfee being absent,) in dismissing the jury, *thanked them "for their punctual attendance, and for the faithful manner in which they had discharged their duty."*

One of the jury, immediately after they separated, being asked whether there had been any division among them about their verdict, replied, "*No. There was nothing for us to do—the COURT made everything plain for us.*"

Another juror, being asked why they remained out so long, said "*they agreed upon their verdict immediately; but remained out, so that the crowd might disperse to their homes.*" ]

#### TUESDAY MORNING, May 7, 1844.

At 8 a. m., the court met. All the judges present.

*Mr. Blake, attorney general,* moved that Thomas W. Dorr be brought into court, to receive sentence upon the verdict rendered against him.

*Mr. Turner,* when Mr. Dorr came in, moved the court to stay the sentence until he could prepare a bill of exceptions, and file a motion for a new trial.

*Mr. Blake* did not object, as the legislature was then sitting in the house, and both he and his associate counsel would be necessarily engaged there; but wished to be furnished with a copy of it as soon as possible.



After some discussion between the counsel, the prisoner, and the court, as to time, the motion was granted. Ten days were allowed for filing the motion, and the court adjourned for the hearing to the second Monday (the 10th) of June.

On the 15th of May, Mr. Dorr, by his counsel, Mr. Turner, filed in the clerk's office the following bill of exceptions and motion for a new trial, viz:

"NEWPORT, SS.

"SUPREME COURT, *March term*, A. D., 1844.

"*Indictment.*

"THE STATE vs. THOMAS W. DORR.

"And now, on this fourteenth day of the term of said court, after verdict and before sentence, the said Dorr moves the honorable court that said verdict may be set aside, and that no judgment be rendered thereon, and that a new trial of the said indictment may be awarded to him by the same, for the reasons following, viz:

"1. Because Joseph Paddock, jr., the foreman of the jury, and also William L. Melville, jr., and Benjamin Carr, members of the jury, before the jury were empanelled, had, each of them, formed opinions of the guilt of the defendant, and had expressed such opinions, and in terms of prejudice and crimination toward the defendant, personally; thereby manifesting toward him feelings of vindictiveness and hostility that disqualified them to act as impartial jurors.

"2. Because Abner Tallman, who was called for a juror, and testified that he had neither formed nor expressed an opinion upon the charges laid in the indictment, and was otherwise competent, was set aside upon insufficient testimony.

"3. Because a challenge against Samuel Westcott, for cause, by the defendant, as having formed and expressed an opinion of the guilt of the prisoner generally, though not upon the charges as specifically set forth in the indictment, was overruled by the court, and defendant was compelled to set him aside by a peremptory challenge.

"4. Because the writ of *venire* for the twelve additional jurors, issued on Friday, the 26th day of April, 1844, and served and returned by George Howland, a deputy sheriff of said county of Newport, was wrongfully and illegally served and returned, in that the said jurors returned on said writ of *venire*, or some of them were so returned, at the nomination and suggestion of William H. Cranston, esq., attorney and counsellor at law, and an officer of this court, whose frequently-expressed opinions are inimical to the traverser, and who, since the commencement of the present trial, has acted apparently as an attorney with, and as an agent in the employment and under the direction of, the attorney general, and has summoned witnesses in behalf of the State, from remote parts of the Island; and a material portion of the testimony to prove said allegations having come to the knowledge of the traverser, since the filing of this original challenge to the array of the jury so illegally returned, and since the verdict in this cause.

"5. Because neither the defendant nor his counsel were furnished with copies of either of the four last panels of jurors, returned upon writs of



*venire* two full days before the said jurors were called and sworn, as the defendant was entitled to be; and in one instance he was furnished with a copy of a return only about three hours before the time for canvassing the same in court; whereby the defendant's right of challenge, for cause, was greatly and injuriously abridged.

"6. Because, before the full jury was sworn, the defendant's counsel moved the court to permit the defendant to recall his peremptory challenges to six of the persons examined for jurors and set aside, and to challenge said persons for cause, upon proof to be produced, of their incompetency; which motion was denied by the court.

"7. Because the defendant was not furnished with, although he seasonably applied for, a list of the government witnesses, two full days before the trial of said indictment commenced, as he was entitled to be; and because several witnesses were sworn and examined, of whom he had no previous notice whatever.

"8. Because, before any evidence was introduced to prove either of the overt acts laid in the indictment, the court permitted evidence to go to the jury of acts done by the defendant and others, at a period of time long before the first overt act charged in said indictment.

"9. Because the prosecutor was permitted to offer to the jury proof of acts in aggravation of the charges in the indictment, in which the defendant had no part, and of which he had no knowledge.

"10. Because the court would not permit the defendant to justify himself, by offering to the jury the votes given by the people, and other testimony, to prove the adoption of the people's constitution in December, 1841, by a majority of the adult male citizens of the United States resident in this State; and to prove that, under said constitution, and according to the provisions thereof, in April, 1842, the defendant was duly elected governor of this State; although the prosecutor admitted that "if the defendant was governor, he had a right to do all that he did," and was permitted to introduce evidence to prove that on the 3d day of May, 1842, in General Assembly sitting in Providence, the defendant took an oath as governor of the State, and openly and avowedly acted, and was treated as such by said Assembly.

"11. Because the court, after the testimony recited in the preceding 10th specification had been ruled out, when offered to justify the acts and proceedings of the defendant, also refused to permit the defendant to offer said testimony to repel the charge of malicious and treasonable motives and intentions as laid in the indictment.

"12. Because the court refused to permit to pass to the jury a copy of the people's constitution, to show that a republican form of government was provided for in the same, according to the guaranty in the constitution of the United States.

"13. Because the court would not permit the defendant or his counsel to argue to the jury the several matters of law deemed important for his full defence, and especially the following, viz:

"1st. That, in this country, treason is an offence against the United States only, and cannot be committed against an individual State.

"2d. That the 4th section of the act of Rhode Island, of March, 1842, entitled 'An act relating to offences against the sovereign power of the State,' whereby indictments may be found out of the county where the offences were charged to have been committed, is unconstitutional and void,

as destructive of the common right of trial by jury, which was a fundamental part of the English constitution at the time of the declaration of American independence, and has ever since been a fundamental law in Rhode Island.

"3d. That said act, if constitutional, gave this court no jurisdiction to try this indictment at that time in the county of Newport; all the overt acts being therein charged as committed in the county of Providence, where the defendant is by law entitled to be tried.

"4th. That in law the defendant acted justifiably as governor of the State, under a valid constitution, rightfully adopted, which he was sworn to support.

"14. Because the court overruled the first point in the preceding 13th specification, and instructed the jury that treason might be committed against a State.

"15. Because the court refused at that time to hear any argument from the defendant, or his counsel, upon the 2d, 3d, and 4th points in said 13th specification, and instructed the jury that the defendant could not have been justified, by any evidence offered by him, in acting as governor of the State.

"16. Because the court then refused to hear an argument from the defendant, or his counsel, to show that, in capital cases, the jury are the judges both of the law and of the facts; and misdirected the jury, in charging them that they were not the judges of the law and of the facts in said cases, but were bound by their oaths to take the law as laid down by the court, and were no further judges of it than simply in applying it, as given to them by the court, to the facts which they deemed proved in the case.

"17. Because the court misdirected the jury, in charging them that the only question of intention on the part of the defendant, which, under their oaths, they could consider, was, whether the defendant, at the times laid in the indictment, intended to commit the acts charged against him in the same.

"18. Because the officers charged with the service of writs of *venire* for the return of 108 jurors, selected and summoned the whole number, except one, from the members of one political party in the State, whose political feelings and prejudices are inimical to the political party to which the defendant is attached, and to the defendant himself."

MONDAY, June 10, 1844.

'The court met at 3 o'clock, p. m.; all the judges present.

The *attorney general*, (Blake,) upon Mr. Dorr's being brought into court, renewed his motion for sentence; but was reminded by Mr. Turner that the motion for a new trial took precedence of that motion.

*Durfee, Chief Justice.*—We are ready to hear the motion.

*Mr. Turner.*—Since the filing of the motion, evidence has come to our knowledge of good cause of exception to another of the jury, and I therefore move for leave to insert in the 1st specification the name of Benjamin Carr.

*Mr. Blake.*—I don't know that we have any objection; insert as many names as you please.

The court saw no reason, if wished, why the amendment should not be made.

The amendment was made accordingly.

Mr. Turner then read the exceptions at full length, (see ante;) and, in support of the first, read an affidavit, as follows:

“NEWPORT, *sc.*”

“SUPREME COURT, *March term, A. D. 1844.*”

“*Indictment—The State vs. Thomas W. Dorr.*”

“On motion for a new trial.

“And now, on the 15th day of the term, the said Dorr, on solemn oath declares and says that he verily believes, and expects to prove, that Joseph Paddock, jr., William L. Melville, jr., and Benjamin Carr, three of the jurors empaneled to try said indictment, and who rendered a verdict thereon against him of *guilty*, had, each of them, before they were sworn on said jury, formed and expressed an opinion of his guilt of the offence charged in said indictment, and unfavorable to him personally and generally; and that this affiant had no knowledge of the fact that either of said jurors had so done, whereon to ground a *challenge for cause* against either of them, until after they had been empanelled; and no knowledge in relation to the ground of challenge against said Paddock and Carr, until after said verdict had been rendered as aforesaid.

“THOS. W. DORR.

“Filed 15th day of the term, and sworn to in open court.

“WM. GILPIN, *Clerk.*”

It was proposed by Mr. Turner, and assented to by the attorney general and the court, that the several specifications should be separately taken up, argued, and disposed of, in their order; and that mode was pursued, as to the argument, until Tuesday noon.

*Mr. Turner.*—I will now call the witnesses in proof of the 1st specification.

*Mr. Blake.*—I object to any testimony being offered against any juror, as being too late; an examination of the jurors having been fully gone into at the time they were empaneled.

*Mr. Turner* contended that this was the legal and proper time for taking the exception, where the facts (as in the present case) were unknown to the party affected, or his counsel, when the jurors were sworn. He read 11 Pick. Rep. 466.

*Mr. Blake.*—Was that a *capital* case?

*Mr. Atwell* (who at this time was well enough to be in court.)—No, a *fourpence-halfpenny* case, and *liberty* is worth *more* than that.

Mr. Turner read 3 Dall. Rep. 515, Fries' case; 2d Chitty's Black. 272; 4th Tuck. Bl. 350, 352; Hale's Com. Law, 257; 1 Chit. Cr. L. 422, 443, 437, and 438; and commented upon the authorities as warranting the examination of witnesses on a motion for a new trial, to prove the disqualification of jurors.

*Mr. Blake.*—I am willing the testimony should be taken, reserving the objection.

*Mr. Turner.*—We prefer to have the questions settled as we go along.

*Mr. Blake* went on in reply. In England (he said) no such evidence or objection would be listened to a moment. He read 17 Mass. Rep. 515; 1 Pick. Rep. 41; 6 Dane's Dig. 233; Dig. N. Y. Rep. 318, 320; and 5 Mass. Rep.



78. The court must look at the facts of the present case, and, before they grant a new trial upon this, or any other ground, consider whether a new jury could return a different verdict. The prisoner admitted all the facts at the trial; a new trial would, therefore, in no respect subserve the purposes of justice. I object to the testimony.

*Mr. Turner* read 14th Mass. Rep. 205, and from 1 Pick. Rep. 41, cited by the attorney general.

*Mr. Bosworth*—When the prisoner has had an opportunity to challenge the juror, it cannot be proper to allow him again to go into the matter, any more than it would be if the defendant had neglected any other portion of his defence, which, after trial, it might be considered best for him to put in. If this doctrine prevail, the evils of such a precedent would be great; cases might happen that the juror, weeks and months after the trial, might be far absent, and might not give the explanations necessary to sustain his declarations on the *voire dire*. No cause of objection to a juror will set aside a verdict, unless it appear that that cause, in some way or degree, did actually influence the verdict. Reads 2 vol. Dig. N. Y. Rep. 320.

*Mr. Atwell*.—There is no one authority amongst those cited by the gentleman, that shakes the position, that whatsoever would have been good cause of challenge before trial, would be good ground for a new trial, if discovered after trial, as is here stated in the defendant's affidavit. The attorney general contends that these jurors have been once tried. We then failed to prove the partiality of Paddock, the foreman, by the witness we produced; since then, we have ascertained the existence of evidence, which, if then produced, must have set him aside. It is said the defendant has confessed everything in open court. His plea is *not guilty*. True, he has stated the facts; but, taking all he said together, he was in fact not guilty.

If the right of trial by jury be worth anything, it should be securely guarded in cases like the present. A *fair* trial has not been had. We can and we wish to prove that *three* of the jury had formed and expressed opinions hostile to the defendant—such opinions as should utterly disqualify any man from being a juror; the objection can now be well taken advantage of, in the mode we are pursuing, and is, of itself, if made good by the proof, a sufficient ground for a new trial.

It must be recollected that the defendant is not in his own county: he is a stranger to the people from whom the jurors come—knows them not even by sight, name, or reputation. It is known that some of the pannels were returned but a very short time before the defendant was called on to make his objections to them. He had not time to ascertain whether these strangers had expressed hostile feelings or not. He did not know their neighbors or associates, or to whom to apply himself to learn their qualifications or disqualifications as jurors. We did all we could in canvassing their qualifications; and the court, from all they could hear to the contrary, adjudged them qualified, and let them sit. Since that time, the evidence of their unfitness has come to light; and we crave permission of the court to introduce it.

After a brief consultation by the court,

*Durfee, Ch. J.*—Proceed, Mr. Turner, to the next article; the court will consider of this.

*Turner* read the 2d article. [The taking Abner Tallman off the jury without sufficient cause.] Your honors will recollect the circumstances under which Mr. Tallman was ordered off the jury. Upon being called

and examined on his *voire dire* by the attorney general, he answered the questions promptly and unequivocally, that he had neither formed nor expressed any opinion of the guilt or innocence of the prisoner. The attorney general, however, asked the court to let the juror stand by for the present, so that he might hunt up witnesses against him; and it was on this business that Mr. Cranston was despatched to Portsmouth on the afternoon of the 26th of April. The object was accomplished; the next morning, a man named Waite, a blacksmith, was produced on the stand, who swore that on a certain occasion, at his shop, Tallman, in conversation with him, (Waite,) when no person was present, had said that, if he was a juror, he would not convict Dorr "*till all was blue*," or "*as long as he had a drop of blood in his veins*." Upon cross-examination, he stated that he had never mentioned this conversation with Tallman to any person whatever; and that when first called on by Mr. Cranston, he could not recollect anything at all about it, but told Mr. Cranston "he guessed it would come to him in an hour or two." He also stated that, on the occasion when he had the conversation with Tallman, they also conversed about Tallman's dog having been charged with killing sheep, and Tallman being called on to pay for them, about which Tallman was quite wrathful; and that Tallman used one of the expressions about trying Mr. Dorr, and the other about paying for sheep his dog did not kill; but which he used to the one, and which to the other, he could not even then remember; [*it had not all come to him.*] The juror, when called on after hearing the testimony of Waite, denied the statement as to Mr. Dorr totally, and went on to give a clear, connected, and distinct account of the whole conversation that took place between them—showing, I think plainly and conclusively, that the language used, whatever it might have been, had relation entirely and exclusively to the affair of the dog, as Tallman swore. I at that time contended, and I contend now, may it please your honors, that Tallman should not have been set aside upon that evidence; there was, at most, only oath against oath. It should be considered, however, that Waite's recollection was most imperfect; he wanted an hour or two to remember anything. Tallman's is ready, consistent, and perspicacious—and besides, Waite, here on the stand, swore without qualification that no person was present; that he had never told it to any person whatever; yet Mr. Cranston, when sent out on an exploring expedition, goes right to Mr. Waite, and finds him the very man he wanted. It was contended, however, that the one was *positive*, the other *negative* testimony; but I do not think this case falls within the rule of *negative* and *positive* testimony. That rule is intended to apply to cases where both witnesses are merely hearers; in which case, he who swears he did hear is entitled to belief—not he who only swears that he did not hear. I submit, may it please your honors, that the decision was against the right of the prisoner and the weight of the evidence.

*Mr. Dorr.*—The testimony of Tallman is *positive*—it being what he said, and when and how he said it; whilst that of Waite contradicts itself, and is *negative*. Tallman not only tells what he *did not* say, but precisely what he *did* say.

*Blake.*—This matter, at the time of it, was fully argued; and the court, in their discretion, ordered the jurors to stand aside. The objection is now made that the juror was set aside on insufficient testimony. The testimony of Tallman was *negative*, because Waite swore to what he heard him say; and all that Tallman said amounted to no more than that he did not



*recollect* it, although he swore positively enough that he had not used any such language. On the other hand, Waite's was *positive*, and should prevail against that of Tallman, on all the principles of evidence. I really do not think this matter calls for anything further from me.

Mr. Turner next considered and argued article 3d of the exceptions. [That the court overruled a challenge for cause to Samuel Westcott, and thereby compelled the prisoner to waste a peremptory challenge.] The court will recollect in the case of Mr. Westcott, that, in answer to the standing interrogatories put by the attorney general, the juror stated that, from all he had seen and read in the papers, and heard talked along street, if one half of it was proved, he believed the prisoner was a guilty man; in addition to which, we believed, notwithstanding his answer to the contrary, that we had positive evidence of his having both formed and expressed opinions to the same effect; and he was accordingly challenged for cause. Benjamin H. Lawton, a witness, swore that about the time of the Chepachet affair, "Westcott was in a *great stew*," and said "he hoped they would get the *villain* Dorr, and the rest of them." We rested the challenge upon that evidence, and the juror's own answers, insisting that it was a much stronger case than the one of Tallman, which the court had decided against us. Yet the court overruled us; and although that did not complete the pannel, the prisoner was compelled to apply his last *peremptory* challenge to get rid of him. With perfect deference to the honorable court, I then thought the challenge for cause well sustained, and I think so still; and have an authority in point, which I will read, and submit to your honors that the decision in that case was erroneous.—(Reads 9 Pick. Rep. 499.)

Blake.—The court, upon the evidence and argument, decided this juror to be competent; there was no evidence, nor is there now, of any settled hostility against the prisoner in the mind of the juror. If the court had gone upon the ground of excluding from the jury everybody that had talked about Governor Dorr, he would never have had a trial at all; *for there is nobody in the State but what has expressed his opinion one way or another.*

Atwell asks—Was the question as put, "formed *and* expressed," or "formed *or* expressed an opinion?"

Durfee, Ch. J.—The former.

Dorr.—I believe the juror was not set aside for having *formed* an opinion, if he had not also *expressed* it.

Atwell.—If a man has *formed* an opinion, it is not in accordance with the right of the subject, or the *old fashioned* notions of the right of trial by jury, that a subject should have such a man for a juror to try him. If a man has *formed* an *opinion*, he is no longer impartial—he has prejudged the cause. It is of no importance whether he has expressed it or not, or how he may have formed it—whether from newspaper statements, proclamations, handbills, or hearsays—the lodgment is there in the mind, and the juror no longer "stands indifferent, as he stands unsworn."

The court adjourn until 9 o'clock to-morrow morning.

TUESDAY MORNING, June 11, 1844.

The court being opened as usual, and the prisoner brought in—

Blake (across the table).—Can you not *melt down* some of your points, and run them together?



*Turner.*—Not in a case involving a man's liberty.

*Blake* (to the court.)—I hope the counsel for the prisoner will so far change their mode of proceeding as to open upon all their points and authorities first, in the usual way.

*Turner.*—It will avoid much confusion, so far as authorities and arguments are concerned, to finish each point as we proceed.

*Bosworth.*—The great trouble is, that in this way we are called upon to answer *impromptu* all the array of authorities which they bring. We have had no notice of the authorities relied on.

*Durfee, Ch. J.*—The proceedings went on yesterday more by an understanding between the counsel, than by any direction from the court. If that arrangement is not further consented to, the court will proceed in the usual way. The counsel for the prisoner will make his full opening on all the points at once.

*Turner.*—We are by no means strenuous about it, if the court find it more convenient to take that mode; but, as the several questions are so distinct in their nature, and can so well be argued separately, we still think that much time and much confusion will be saved by continuing the course pursued yesterday. I would, however, ask, before your proceeding either way, whether the court have decided upon our right to go into evidence on the first exception argued yesterday?

*The court*, after a short consultation, said, "We will let that question pass for the present."

*Turner.*—I will then proceed to the fourth exception. [Here Mr. Turner read the article; see ante.] Upon this point, may it please your honors, I propose to prove by witnesses, who have been duly summoned, and in attendance, that, on the 26th of April, W. H. Cranston, esq., went into Portsmouth, about ten miles from this place, to find witnesses for the attorney general, by whom to disqualify the juror Tallman; that, whilst so engaged, he made inquiries of persons there for the *names* of such as would be *suitable persons* to serve on the jury, and wrote down their names. I shall prove by a certified copy of the summons (which I have) that it was fully served, returned, and sworn to, all on *that* day, the 26th; and by the witnesses I expect to prove that he was called up by the deputy sheriff, Howland, between daylight and sunrise; went with the officer in the same chaise; attended him throughout the service of the *venire*—having apparently no other business; that certainly *some*, if not *all* the persons returned upon the *venire*, were the same individuals whose names Mr. C. had listed the day before; that the officer saw, and passed by unnoticed, during the time, a number of qualified jurors, knowing them to be such; that the last person summoned was a Newport man, pointed out by Mr. C. to the officer, and first spoken to himself by Mr. C.; and we shall also prove, by the original in court, that the officer's return thereon, with the exception of the signature, is all in the proper handwriting of Mr. Cranston.

*Staples, J.*—You have not set forth in your exception the facts you offer to prove.

*Atwell.*—The only difficulty is in the wording of the exception; it seems not to be broad enough in form. I wish it amended so as to admit *further* evidence in support of the old allegations; no new allegations are intended to be made.

*Bosworth.*—The *challenge to the array* was made at the proper time; but, being supported by no evidence, was very properly overruled.

*Turner.*—The court said there *was* evidence, but that it was *insufficient*. We now wish to supply the deficiency with new and further evidence. I move to amend the exception, so as to admit evidence to show that the sheriff summoned the jury at the nomination of Mr. Cranston.

*Staples, J.*—You wish the court to infer, from *two* facts alleged, a suspicion against the sheriff; both of which may well be *true*, and yet furnish no just ground of suspicion against the officer.

*Blake.*—I object both to the amendment, and to offering any evidence under it. "It will spin this matter out to an interminable length, and we did not come here prepared to meet any *new case*." Besides, this has been once tried and overruled. I object!

*Atwell.*—This argument, "*it has been once tried*," so often used by my very learned friend on the other side, is very new to me; for every motion for a *new* trial, presupposes one trial already. They say this cause of challenge has been once tried: allow it, and what then? We say the decision was wrong, and wish an opportunity to prove it. In every motion of this sort, nine out of every ten reasons given for it, grow out of alleged wrong decisions and rulings of the court during the progress of a trial, which, in this way, are sought to be corrected and set right.

Now, what is the right of every man when he is accused? Why, it is to have a *fair* trial by a jury of *fair, impartial* men. This is a sacred right—the ægis thrown between the accused and his enemies. Suppose the accused to be on trial away from home; that he knows not the juror nor aught against him; the man appears to be fair, swears that he has no prejudice or bias on his mind, and so places himself on the jury; and it afterwards appears that he felt deadly hatred against the prisoner, and swore himself on the jury for the express purpose of producing a conviction. The prisoner then finds that he has not had that *fair trial* which the law tells him he is entitled to. A *new* trial may be denied him; but what sort of a jury trial is this? It is but the merest mockery of *fair trial* and of *justice*.

If the prisoner is to be deprived of the opportunity of proving the legal incompetency of the juror by facts he knew not of when the juror was sworn, and which, if known, would have set him aside, then your jury trial is but a *shadow*, not a *substance*, and might as well at once be abolished.

The court decided against the amendment, and also against the sufficiency of the exception without amendment. After some irregular discussion, it was passed for the present, with an understanding that a substitute for it should be presented.

*Turner.*—We proceed to the fifth article. (Mr. T. read the exception—that prisoner was not duly served with copies of the pannels of jurors returned on *venires*.) The court will recollect that, at the sitting in March, when the first *venire* for sixty jurors was ordered, returnable on the 26th of April, and when there was intervening time enough, I suggested that it should issue for a greater number, and moved that the prisoner should be furnished with a copy of the pannel at least ten days before the trial commenced—urging, as a reason, the improbability of obtaining a full jury out of a pannel of sixty, in a case where opinions had so generally been expressed; and to give the prisoner, who was an entire stranger to the county, full opportunity to ascertain the qualifications or objections to the jurors, without delaying the progress of the trial for that purpose, after it should be once commenced. The court, however, for reasons which they gave at



the time, did not think proper to increase the number, and directed the sheriff to furnish us with a copy of the pannel only *two full days* before the time for trial. This was accordingly done;—the whole sixty being utter strangers to the prisoner, and most of them unknown to me. The sixteen drawn jurors, and the sixty summoned on the *venire*, were all exhausted on the first day of the trial, and but eight jurors sworn. The court, then, before its adjournment, ordered the clerk to issue two additional writs, for twelve each—one of them to be returned at 9 o'clock the next morning, the other at noon;—directing the officers to furnish us with lists of the persons summoned, as soon as those writs were served. The first of those lists was handed me about 8 o'clock the next morning, and the other in court at 10 o'clock;—the court and ourselves being then engaged in trying the challenge of Abner Tallman. As soon as that and another challenge had been disposed of, then near noon, I moved the court to adjourn over till Monday, in order to give us time and opportunity to canvass the lists, and, if occasion required, to make and sustain our challenges;—explaining to the court that, of course, up to that time, no opportunity had been afforded us for that purpose. My motion, however, was only so far granted as to allow us until 3 o'clock, p. m., on the first list, and until Monday morning on the other; so that, instead of having *two full days* to canvass the fitness of the jurors, we had but about three hours in the one case, and only from the adjournment of the court on Saturday evening, until 9 o'clock on Monday morning in the other. The next *venire* for twelve was issued at the adjournment of the court on Saturday evening, returnable on Monday morning; a fourth on Monday evening, returnable on Tuesday morning; allowing, under the circumstances, no adequate or reasonable time to ascertain the feelings, sentiments, or opinions of the persons who were to be called and sworn. One of the consequences was, as your honors are aware, that the prisoner was driven, in *six* instances, to make use of his *peremptory* challenges, when, if more time had been allowed him, the same men would have been set aside upon challenges *for cause*.

It is very true, that in this State we have no statute on this subject; and as we have hitherto had no such *cases*, we can have no established *practice* to regulate us. But the statute of the United States enacts that the prisoner, in cases of *treason*, shall be furnished with a list of the jurors *five* days; and in England, the statute of Anne, in the same cases, extends the time to *ten* days. Now, supposing neither the English nor the United States law to be binding on the courts in Rhode Island; yet it is obvious that both make a marked distinction, in this respect, between cases of treason and all other capital offences; so that the courts here may well follow the *practice*, if they are not bound by the *authority* of one or the other of those statutes. We say, therefore, that, in this respect, the right of challenge in the defendant was injuriously abridged, but to what extent we cannot tell. But be it more or less, we ask for a new trial to correct it.

*Staples, J.*—Did you make any complaints that you had not had time enough, when the jurors were called?

*Turner.*—I did not deem it *decorous*, after the court had fixed the time; we had repeatedly asked the court to give us longer time; and we now ask if this was long enough time to canvass the qualifications of so many strangers.

*Staples, J.*—It would have been as decorous *then* as it is *now*. The



court, in several instances when challenges were made, did give you further time. Such an exception *ought not* to be taken here.

*Dorr.*—The court fixed the time beforehand for taking up the several pannels, and the defendant then made no objection, because it was too late. The court had decided how much time he should have. The point is, that, for want of time, we could not ascertain objections, which we have since ascertained. It is true, when an objection was made to any particular juror, the court did allow time for witnesses to be produced.

*Turner.*—I proceed to the seventh exception. (As to withdrawing six peremptory challenges, and challenging for cause.) Your honors will recollect, that, in the course of the morning of the third day of the trial, and before a full jury was empaneled, I moved the court in behalf of the prisoner, for leave to withdraw or revoke his *peremptory* challenges to *six* of the persons called and examined for jurors, and to challenge each of them *for cause*; and stated to the court that the witnesses, by whom we expected to sustain those challenges, had been summoned in behalf of the prisoner, and were then in attendance. The court overruled the motion, on the ground that the jurors were not then in court, and had in fact been excused from further attendance; to which ruling the prisoner took exception at the time. I contend, may it please your honors, that a prisoner has a right to withdraw his *peremptory challenges*, and challenge *for cause*, at any time before the full empannelment of the jury. If the persons had remained in court, I doubt not we should have been allowed to withdraw them for the purpose we intended; that they did not remain in court is no fault of the prisoner. If the objection be available at all, it is only on motion for new trial.

I proceed to consider the next, the seventh exception. (Mr. T. reads exception as to prisoner not being furnished with a full list of government witnesses, &c.) Before the adjournment in March, we called for a list of the government witnesses, claiming a right to have it two full days before the trial; we were then furnished with a list of thirteen, and assured by the attorney general that, as soon as he ascertained the names of the others, we should have them. Several additional lists were from time to time furnished as we called for them, but never of *all of them*; and in the progress of the examination, I designated several as they were examined, as being *entirely new* to us. (Mr. T. here gave the names of three.) This exception, however, need not be dwelt on, as it falls exactly within the *reason* and the *law* applicable to the fifth exception. (Mr. T. read 1 Chitty C. L. 420.)

I proceed to the eighth exception. (Mr. T. read the exception, relating to admissibility of other evidence before proof of *overt act*.) This question was first raised before any evidence was put in by the government; and we insisted that, according to the course of authorities, both in this country and in England, no other proof could be admitted to pass to the jury until some *overt act* was sufficiently proved by two credible witnesses; and relied for authority in support of that position on 4th Cranch, 489, 490, 493, and 497; Foster's C. L. 149; Hawk. P. C. § 8; and Greenleaf on Evidence, 293, (first edition.) The court, however, overruled my objection, and permitted the other side to introduce evidence relating to a period of time long anterior to that of the first overt act charged in the indictment. This ruling, also, was excepted to by the prisoner. With deference to the court, I still think their decision incorrect, and that the prisoner's means of defence were

prejudiced thereby. The same reasoning and the same authorities are relied on now.

I pass to the ninth exception.

"Ninth exception.—Because the prosecutor was permitted to offer to the jury proof of acts, in aggravation of the charges in the indictment, in which the defendant had no part, and of which he had no knowledge."

(Upon this article a desultory discussion took place between the court and Messrs. Turner, Atwell, and Dorr, in relation to the relevancy of Shelly's testimony;—it all relating to what took place at Chepachet three or four days before Governor Dorr came into Rhode Island, and when he was neither *actually* nor *constructively* present. The discussion so much assumed the nature of dialogue, that it was impossible to report it.)

The next exception is the tenth. (Rejecting the evidence of the adoption of the people's constitution, &c.. See ante.) Much of the argument, and many of the authorities applicable to this exception, as the court will recollect, were urged in the argument of the question of State treason. I do not, therefore, propose to do more, on the present occasion, than to state the propositions I contend for, and furnish the court with a list of authorities in support of them; for I feel assured that the court will found their opinion upon their own examination of them, rather than upon any reasoning I may use upon the subject. My propositions are these:

A constitution is superior only to a *minority*; the *majority* is superior to that.

As they *make* the constitution, they have the power and the right to *alter*, or even *abolish* it.

The *people* (viz. the community—the governed) are *superior* to the *legislature*—the legislature being the *creature* of the *constitution*.

The *people* can, therefore, derive no *power* and acquire no *right* by any *legislative* act.

They can therefore *change* their *constitution* without any *legislative* sanction whatever.

They can change it *whenever* they please,

And by *any mode of proceeding* they may deem expedient.

That even an *express provision*, in a written constitution, that change shall only be made in a certain specified way, is not exclusively binding, and cannot preclude the action of the people in such other mode as they may deem expedient.

And I shall contend that the people of Rhode Island had a right to proceed as they did, in the making and adopting the people's constitution; that, upon its adoption, it became the *supreme law*, and of binding force on all *persons* and all *bodies* in this State, including the legislature and the courts, notwithstanding another constitution may have been since adopted, and may be valid. And I ask the gentlemen on the other side to point out any case where a *legislature* has given the *people* the *power* to make a *constitution*, and where *they* got the *power* to bestow it. The *people* give power to the *legislature*, the legislature to the *courts*, the courts to its *officers*; for *power* to reascend in the scale is nothing less than absurd. The proof offered by the defendant of the adoption of that constitution, and of his election under it, was the *very best* and *all* the evidence that *the nature of the case* afforded, and should have been admitted to go to the jury in his

justification; for this was not a case where strict *legal*—I may say *legislative*—rules of evidence applied; and if that evidence had been admitted to pass, and had proved everything we sought to prove by it, it would not at all have affected the *present constitution* of the State, nor the *present court*, although the court seemed so to suppose; but it would have triumphantly acquitted the prisoner, and proved his complete justification.

*Durfee, Ch. J.*—A *constitution* cannot be proved by *parol*. The court must choose one constitution or the other.

*Dorr.*—This is a point of great importance—the right arm of my defence. I do not know of any reason for a change of views on the principles of my conduct. I believe I am right; and this principle that the people can make, unasked, their constitutions, constitutes the great dividing gulf between us. Now, we have many exceedingly strong authorities upon this point.

The court have suggested a difficulty; but really I do not ask your honors to decide upon the validity of the present constitution, or the government under it. I do not ask your honors to decide that you are no court, or that you do not rightfully hold your offices. We only ask you to look to a point anterior to the formation of the *present government*, and inquire what was the *then* state of things. What did the people do? What had they a right to do? How far was I justified by their action? This is my great defence. The court charged the jury that, if I did certain acts, they were done *maliciously* and *traitorously*. I wish to show that what I did was not *thus* done, but in pursuance of the *great ruling American principle*—THE SOVEREIGNTY OF THE PEOPLE. I pray the court to carefully review their opinions on this point, in order that we may be allowed opportunity to prove this, the great point of *justification*.

The court adjourned until 3 o'clock, p. m.

TUESDAY AFTERNOON, June 11.

Mr. Turner continued.

*Turner* (reads the 11th exception.)—This exception varies from the last, only with respect to the purpose for which the evidence was sought to be introduced. The evidence under that, was offered for *justification*; under this, it was offered merely to repel the charge of having acted with any *criminal intent*, even if the act were an offence. The same reasoning will apply to both.

[He next read 12th exception, and insisted that the people's constitution should have passed in evidence to the jury, as proof that, in compliance with the guarantee in the constitution of the United States, it established a government republican in form. A discussion ensued between him, the court, and Mr. Dorr, not strictly confined to the point, but embracing many topics connected with the adoption of that constitution.

He then passed to a consideration of the 13th exception, and, upon a suggestion from the bench, took up the 16th in connexion with it.

[Exceptions 13 and 16 considered together.

*Mr. Turner.*—Mr. T. began by stating that in all *civil suits*, without exception, and in all *criminal prosecutions* for offences *less than capital*, there is no question but the maxim, "*ad questiones*," &c., "to questions of law, the court—to questions of fact, the jury are to answer," would apply. In all such cases, *all* questions of law are to be argued to the court, and questions of fact only can be properly argued to the jury. But *capital*



offences constitute a most important exception to the rule, and so far vary the ordinary mode of trial as to give the jury *power*, and to make it their *duty* to judge of the *law*, as well as of the *facts* of the case. This power is given "*in favorem vite*," for a most obvious reason—which is, that in all capital offences the *guilt* or *innocence* of the accused, depending upon *intention* as well as *acts*, is a mixed question, and always combined of both *law* and *fact*.

Mr. T. cited 6 Dane's Digest, 693, c. 199, A 6, § 12. "Levying war is an act compounded of *law* and *fact*, of which the jury, *aided by the court*, must judge."

*Durfee, Ch. J.*—Of what use are the court, if the jury are the judges of the law?

*Turner.*—Of very great use. They are the proper and sole judges of everything relating to the empanneling of the jury; they decide all questions as to the admissibility of evidence; and, after the argument at the bar, they advise, instruct, or charge the jury as to what the law is, *in their opinions*; but, after all that, the jury are to judge for themselves, otherwise the court decide the case, and not the jury.

[Mr. T. proceeds with the argument.]

It is unquestionably true, that juries generally are not so competent to decide questions of law as the court; but as they are the *sole* judges of the *guilt* or *innocence* of the accused, and are by no law bound to find a *special* verdict, referring the questions of law to the court; and as all capital trials necessarily involve questions of law, as well as of fact, reason and common sense would dictate that, before being called on, under an oath, to decide, they should hear the question thoroughly argued on both sides, to enable them the better to decide it, under the instruction that the court may give them after such arguments are had.

This is not only *common sense*, but I will endeavor to show that, in this country and in this State, it is also *common law*.

I will, however, in the first place, introduce such English authorities as seem to place the law in that country on the same footing in this respect with the law here.

Hale's P. C., vol. 2, p. 313—"It is the conscience of the jury that must pronounce the prisoner *guilty* or *not guilty*." "And to say the truth, it were the most unhappy case that could be to the judge, if he, at his peril, must take upon himself the *guilt* or *innocence* of the prisoner; and if the judge's opinion must rule the matter of fact, the trial by jury would be useless." This same authority is thus quoted by Sir W. Blackstone: "For, as Sir Mathew Hale well observes, it would be a most unhappy case for the judge himself, if the prisoner's fate depended upon his directions. Unhappy also for the prisoner; for, if the judge's opinion *must rule the verdict*, the trial by jury would be useless."—(4 Tuck. Bl. 361.) And in the same paragraph he says: "And such public or open verdict may be either general, guilty, or not guilty; or special, setting forth all the circumstances of the case, and praying the judgment of the court, whether, for instance, on the facts stated, it be murder, manslaughter, or no crime at all. 'This is where they *doubt* the matter of law, and therefore *choose* to leave it to the determination of the court; though they have an unquestionable right of determining upon all the circumstances, and finding a general verdict if they think proper so to hazard a breach of their oaths.'"—(Mr. T. cites English Lib. p. 226, § 4, and Hale's Com. Law, 293.)

[*Atwell*.—Trial by jury *now*, is getting to be almost a mere farce.]

Sir Michael Foster, who wrote his treatise on crown law about the period of the Scotch rebellion, and was himself a distinguished judge, in the case of the Kinlochs, who asked to have counsel assigned them, and time granted to plead special matter of law in defence, "told them withal, that if the matter contained in their papers would avail them at all, they would have the full benefit of it *upon not guilty*; since it amounts to no more than that their cases are not within the act of the last session, by authority of which act alone this court sits. They then severally pleaded not guilty."—(Foster's C. L. 15.) Now what can be clearer than that here the judge intended that matter of *mere law* might and should be argued to the jury by the prisoner's counsel, under the general issue, the plea of *not guilty*—the defendant's plea in the present case.

1 Chitty's C. L. 3-3.—"Upon all capital accusations, the plea of *not guilty* puts in issue the whole of the charge; not merely whether the defendant actually did the fact stated in the record, but the criminal intention with which it is alleged he was actuated, and the legal quality of the guilt to be deduced from the whole. (Cites 4 Bl. C. 338; 1 Erskine's Sp. 278.) In this respect, there is a *very important distinction* between *civil* and *criminal* proceedings; in the *former*, where the facts are admitted, and the defence is that they were rendered legal by circumstances, a *special justification must be pleaded*; but in the *latter*, no *justification can be admitted to limit the defendant's means of defence*. Nor is it at all necessary; for if it appear (to the jury) that the facts, though *true*, were *legal*, the defendant will, of course, be acquitted."—(Cites 2 Hale, 258; 4 Bl. C. 338; 1 Erskine's Sp. 278.)

Now, in what way can matter of justification be available before a jury, without the argument of counsel? But I think this authority goes much further than we now claim. I understand from it, that even if a special plea be interposed and ruled out by the court, yet the prisoner's counsel might even then go with it to the jury, under the general issue; because "*no justification can be admitted to limit the defendant's means of defence*."

Your honors will recollect the decision of this court in the *Cooley* case, where, on motion, the special pleas of the defendant were ruled out by the court.

Same page, (384,) "So also in indictments for *felony* and *treason*; if the facts stated amount to neither of them, the prisoner will be discharged under the general issue, for the terms '*feloniously* and *traitorously*;' by which the crimes are designated, are the gist of the charge; and unless they are shown to be properly applied, the indictment cannot be supported."—(Cites last-mentioned authorities.)

If it be incumbent on the prosecutor to show that the terms *feloniously* and *traitorously* are well applied, he must do so by *authorities* and *argument*; and it would seem very strange if authorities and argument for the *government* might not be met and answered by authorities and argument for the *defendant*.

Again, page 511.—"That plea (not guilty) refers the whole matter of *guilt* or *innocence* to the jury; the *intention*, as well as the *facts*, and the *legal complexion* of the transaction, as well as the transaction itself. It followed, therefore, that he may show the innocence of his *intention*, as well as negative the facts of the charge. And it is laid down as a general rule,

that whatever he could not have pleaded specially, he may justify under the general issue."

How can a defendant ever show the *innocence* of his *intention*, if the court, in the first place, refuse to let him into proof of the facts in his justification; and, in the next place, prevent him from arguing the law to the jury, upon which his intention—in other words, his *guilt* or his innocence—depends?

These authorities seem to me to establish the following points:—That even in England, at common law, all pertinent questions of law, in capital trials, may be, and ought to be, argued to the jury under the general issue of not guilty; that even the matter of a special plea, that had been overruled by the court, may be so argued; and that any and all matters of legal defence that could not be taken advantage of by way of special plea, may also be argued to the jury, to prove the innocence and good intentions of the prisoner. And such I take to have been common law of England ever since trials by jury have been known. In fact, in such cases, their powers, their duties, and their oaths as jurors, place them, for the time being, in a similar situation to the English House of Lords on the trial of a peer of the realm; each of them—the jury in the one case, and the House of Lords in the other—are trying one of their peers. And the court, in the one case, are the law advisers of the jury, as in the other all the judges of England are the law advisers of the House of Lords.—Foster's C. L. 143, &c.; 4 Tuck. Bl. 263.

The same thing may be said of the United States Senate, when it sits as a high court of impeachment upon a President; then the Chief Justice of the Supreme Court of the United States is the presiding officer, and the law adviser of that body.

In this country, in 1804, this same question arose upon the impeachment of Samuel Chase, one of the judges of the Supreme Court of the United States, before the Senate of the United States.

The impeachment consisted of eight distinct articles. We have nothing to do except with the first article, which contains three distinct specifications, and is as follows:

#### "ARTICLE I.

"That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them 'faithfully and impartially, and without respect to persons,' the said Samuel Chase, on the trial of John Fries, charged with high treason before the circuit court of the United States, held for the district of Pennsylvania, in the city of Philadelphia, during the months of April and May, one thousand eight hundred, whereat the said Samuel Chase presided, did, in his official capacity, conduct himself in a manner highly arbitrary, oppressive, and unjust, viz.:

"1. In delivering an opinion in writing on the question of the law, on the construction of which the defence of the accused materially depended, tending to prejudice the minds of the jury against the case of the said John Fries, the prisoner, before counsel had been heard in his defence.

"2. In restricting the counsel for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the United States, which they deemed illustrative of the positions upon which they intended to rest the defence of their client.



"3. In debarring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as the fact which was to determine his guilt or innocence; and at the same time endeavoring to wrest from the jury their indisputable right to hear argument, and determine upon the question of law, as well as the question of fact, involved in the verdict which they were required to give.

"In consequence of which irregular conduct of the said Samuel Chase, as dangerous to our liberties as it is novel to our laws and usages, the said John Fries was deprived of the right secured to him by the eighth article amendatory of the constitution, and was condemned to death without having been heard by counsel in his defence, to the disgrace of the character of the American bench, in manifest violation of law and justice, and in open contempt of the right of juries, on which ultimately rest the liberty and safety of the American people."

To the third specification I would direct your attention, for the purpose of showing that the House of Representatives of the United States, forty years ago, considered it a constitutional privilege in the prisoner to address the jury upon the *law* as well as the *fact*; and the indisputable *right* of the jury to hear argument and determine as to both, upon the questions involved in the verdict they were required to give.\* Mr. Chase himself, in his answer, admits the doctrine, but denies the *fact*; and† Hopkinson, his counsel, defends him on that ground; whilst Martin‡ and Harper§ alone deny both the right and the fact, and would restrict the jury to taking the law from the court.

Upon taking the final question upon that article of guilty or not guilty, the vote, I think, stood 18 to 16 for a conviction; the two members from Rhode Island (namely, Messrs. Ellery and Howland) both voting upon that article, guilty. There was, however, not a constitutional majority of two-thirds of the whole, and so the learned judge escaped conviction.

2d Wilson's Works, 372: "But, in many cases, the question of law is intimately and inseparably blended with the question of fact; and when this is the case, the decision of one necessarily involves the decision of the other. When this is the case, it is incumbent on the judges to inform the jury concerning the law; and it is incumbent on the jury to pay much regard to the information which they receive from the judges. But now the difficulty in this interesting subject begins to press upon us. Suppose that, after all precaution taken to avoid it, a difference of sentiment takes place between the judges and the jury with regard to a point of law; suppose the law and the fact to be so closely interwoven, that a determination of one must at the same time embrace a determination of the other. Suppose a matter of this description to come in trial before a jury:—what must the jury do? *The jury must do their whole duty*; they must decide the law as well as the fact. This doctrine is peculiarly applicable to criminal cases, and from them, indeed, derives its peculiar importance. When a person is to be tried for a crime, the accusation charges against him not only the particular fact which he has committed, but also the motive to which it owed its origin, and from which it receives its complexion. The first is neither the only nor the principal object of examination and discussion. On the second, depends the innocence or criminality of the action. The

\* Chase's Trial, appendix, page 12.

† Chase's Trial, pages 182, 183, 184, 185.

‡ Chase's Trial, pages 142, 143, 145.

§ Chase's Trial, page 216.

verdict must decide not only upon the first, but also, and principally, upon the second ; for the verdict must be co extensive and commensurate with the charge. It may seem, at first view, to be somewhat extraordinary, that twelve men, untutored in the study of jurisprudence, should be the ultimate interpreters of the law, with a power to overrule the directions of the judges, who have made it the subject of their long and elaborate researches, and have been raised to the seat of judgment for their professional abilities and skill. But a deeper examination of the subject will reconcile us to what, at first, may appear incongruous." Read also 381 and 382.

In an indictment for treason, the United States *vs.* Mitchell, in 1795, 2 Dall. 350. The whole argument was upon points of law, suggested to the defendant's counsel by Judge Patterson, the presiding judge. There was no dispute about the facts in the case, they being all clearly proved. But if any doubt remain as to this right in capital trials, I will show by a legislative act of Rhode Island herself, that for many years past our courts have uniformly recognised the right in practice, and that the Assembly have even extended it to minor offences.

Dig. 1822, page 426 : "An act authorizing any person prosecuted for a libel, to give the truth in evidence."

"*Be it enacted, &c.*, That if any person shall be prosecuted by indictment or information, for writing, or publishing, or causing to be written or published, or aiding or assisting therein, any defamatory libel or libellous matter, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence, in his defence, the truth of the matter contained in the writing or publication charged as a libel ; and the jury who shall try the cause shall have a right to determine the law and the fact, under the direction of the court, as in other cases." (Passed in 1804.)

The court were understood at the trial to say that the jury had the *same* right of determining the law in *every case*, civil as well as criminal ; and that it was in all cases confined to the *applicability* of the law, as laid down by the court, to the facts as they were proved to the jury. To us it would seem that the legislature of Rhode Island, in 1804, when the act just read was passed, entertained intentions and views widely different from those now advanced by the court.

If at that time there were no cases in which the jury were to determine the law as well as the fact, the legislature surely would not have used the language they did use, "as in other cases." If they were, as the court contend, to determine the law as much in one case as in another, no such power would have been necessary, and it would not have been granted ; nothing would have been said about it ; it would have been passed over in silence, as a merely incidental power, pertaining to the jury in all cases. Therefore to us it would seem that the legislature intended to recognise, as existing law, the right of the jury to determine the law as well as the facts in capital cases ; and justly deeming reputation and character no less dear than life itself, also intended by the act in question to clothe the jury with a new and further power to the same effect, in all criminal prosecutions for defamatory libels. The whole act, taken together, seems to us to admit of no other construction.

Then what were the "other cases" referred to in this act ? Why, clearly, criminal trials for capital offences—at the head of which stands high treason. It is perfectly well known that, up to a much later period—in fact, until within a few years—our courts did not charge juries at all in

civil cases; and very rarely, if at all (unless asked by the jury themselves) in criminal cases, whether capital or otherwise.

The practice of arguing matter of law in such cases to the jury, not only in our own courts, but throughout the country, has been such as we now contend for as a right. In the trial of Chase, already cited, ample proof of this may be found. We therefore insist upon it as the right of the defendant, through his counsel; as the right also of the jury; and as an inseparable incident of the common law jury trial—the great bulwark of our liberties.

Of that great right, without the full exercise of which he could not have a fair trial, the prisoner at the bar has been deprived, by what we consider the erroneous ruling of the court; and upon this ground, also, we ask that a new trial may be granted.

*Haile, J.*—The constitution clearly points out our duty. It directs the judges to “instruct” the jury in all cases.

*Turner.*—So it does, may it please your honors; but to convey the same idea, the books use the words *instruct*, *direct*, and *charge*, indiscriminately; and they are all of them synonyms, in this case, with the word *advise*.

*Durfee, Ch. J.*—If the jury do not take the law from the court, how are they to know what it is?

*Turner.*—The jury hear the law read and argued at the bar, and thus obtain their information—as also from the opinion given by the court.

The court adjourn until 9 o'clock to-morrow morning.

WEDNESDAY MORNING, June 12, 1844.

The court met as usual. Mr. Dorr brought in.

*Mr. Dorr.*—I wish to say further, in reference to exceptions 13 and 16, that we urge the point only as applicable to *capital cases*.

Again: If the court have considered the first exception, so far as the admission of testimony to prove the disqualification of certain of the jury is concerned, I should like to know the decision, on account of the witnesses, who are here at great inconvenience to themselves, and expense to me, which I cannot afford.

*Mr. Blake.*—I wish to be heard.

*Dorr.*—The matter was argued on both sides, and submitted on the first day.

*Blake.*—As other exceptions have a bearing on that, I should like to be heard on all the exceptions together.

*Durfee, Ch. J.*—My difficulty is, that the jurymen may not have been prevented from giving a *fair verdict* in a *very plain case like this*; whatever the cause of challenge might have been, it is not shown that it had any influence in the formation of the verdict.

*Blake.*—The juror must have given an *unfair* decision. *Prejudice*, however strong, is not enough. No matter what the juror may have said against the prisoner. Did he *act* fairly? that is the question.

*Turner.*—The prisoner by law is entitled to a *speedy*, a *fair*, and an *impartial* trial. If the jury was composed of partial and prejudiced men—men who had prejudged the cause—I care not what their verdict may have been, nor how they arrived at it—he cannot be said to have had a *fair* trial by an *impartial* jury, and might full as well have been tried in the county of Providence where he belonged.

*Dorr.*—It is the right of the accused to have an impartial jury. If the



facts and the testimony had been known when the jurors were sworn, they would have been challenged, and must have been taken off; no verdict they can give, will cure a radical defect in the organization of the jury.

*Haile, J.*—The juror swore he had no prejudice; now, if he had a prejudice, he was guilty of perjury, and the evidence to be produced against him should be such as would secure a conviction of perjury. The juror once being tried, it strikes me, by all the authorities, that we cannot go into question of partiality again.

*Turner.*—How was it in Tallman's case? After he had been examined, the witness (Waite) was called. Would Waite's testimony convict Tallman of perjury?

*Staples, J.*—I was inclined to hear and weigh the evidence at first; but the opinion of the court being as it is now on the *effect* of the evidence, I am, on the whole, decidedly against the admission of evidence.

*Haile, J.*—I deem the matter foreclosed by the swearing of the juror.

*Brayton, J.*—I am willing to *hear* the evidence.

*Durfee, Ch. J.*—The court being *divided*, I suppose the evidence must be admitted.

*Staples, J.*—The argument was on the objection of the attorney general to the court's receiving evidence. I was in favor of it, and the court were divided on the question; but now, as three judges think the testimony, if admitted, would not be a ground for a new trial, as there is *now no fact* for a jury to try, and the court is divided about other matters, I am against admitting it.

*Dorr.*—Your honor seems to take it for granted that the jury had *nothing of fact* to try. Now I deny that I did the acts as charged in the indictment, with the intents and motives imputed to me, which could alone determine my guilt or innocence, and therefore I say that I am not guilty.

*Staples, J.*—I have no doubt of the purity of the motives of the defendant. This is the view I have always taken; but there was *no legal excuse*, and there was nothing for the jury to try; therefore, whether the jurors were all free from prejudice, is of less importance.

*Dorr.*—Well, how does your honor know but some of the jury might have thought so too, if we had been allowed to show and prove to the jury what the foundations of my actions were?

The court gave no decision on the subject.

*Mr. Turner* proceeded, taking 14th exception. He said it was not his intention, as the court had *indulged* him with an argument on the subject of *State treason* during the trial, to go over the same ground again, upon the same authorities; he should ask the attention of the court to those authorities now, when they could give the subject greater deliberation than was expected of them in the progress of an important jury trial. (Mr. T. gave the court a list of the authorities—see ante pages 927 *et seq.*)

He said that at the former argument he had inadvertently omitted one authority, as to the *cotemporaneous* and *practical* construction of the constitution on the subject of treason, which he now wished to put in. In Massachusetts in 1787, before the adoption of the United States constitution, a law was passed very similar to that of Rhode Island, and already cited, for punishing treason against the State; and it was repealed, as that of Rhode Island had been, upon the first revision of their statutes (after the United States constitution was adopted) in 1801—furnishing another instance of the construction contended for.

*Dorr*.—I will add one suggestion, if the court please, on this point of treason against a State, which, perhaps, was not sufficiently dwelt on at the former argument.

At the time when the United States constitution was framed, there were no district or circuit courts; there were no judicial divisions of the United States; the only ones known were the States themselves. At that time there was no general judiciary system; it could not then be known how the United States courts would be organized, or their jurisdiction limited and arranged. For aught that could be then foretold, Congress might by law provide that treason thereafter, as it theretofore had been, should be punished by the courts of the respective States. So that the framers of the constitution, in order to secure a trial of the offender where the offence was committed, whether before a United States or a State tribunal, could only provide, as they did, in the article respecting fugitives from justice, for their being returned to the State having jurisdiction of the crime; leaving it to be determined by the future law of Congress, whether that jurisdiction, within the State, should be vested in a court of the State or of the United States. Thus we now find that, by the act of 1790, it is *misprision* of treason to conceal treason from the *governor* of a State, although it be treason against the United States.

*Atwell*.—My idea is, that the constitution provided temporarily for the punishment of the crime in the *State courts*, until the United States should arrange their judicial power to take cognizance of it. The article in the constitution does not say he shall be sent to the State "against whom the offence was committed," but to the State "having jurisdiction." Before this constitution was adopted, the States alone had courts. Then the constitution must have meant the State judiciaries in the 3d article, and of course they were providing for the punishment of treason against the United States.

*Mr. Turner* next took up the 15th exception. This exception is founded, in part, on the act of Rhode Island of March, 1842, (commonly called the *Algerine law*) and involves a consideration of the constitutionality of the 4th section of that act, so far as it provides for the *finding* and *trial* of indictments in any county other than the one in which the offence is charged to have been committed. The court, at the trial, said that this question having been *once* solemnly argued and decided by the *same court*, in the *Cooley* case, they considered it a *closed question*; and gave that as a reason why they *then* would not hear it reargued. If the opinion of the court is made up on this point, I should not deem it proper to reargue it on the same authorities; if it is an open question, then we claim it as a privilege and a right to be heard. Is this the *same court*? This is a question partly of *law* and partly of *fact*. We beg leave to differ from the court in this matter. The court that decided the *Cooley* and *Joslin* cases, by a different *title*, acted under the old *charter government*. This court, with a *new title*, hold under a *new constitution* and *new form* of government. That was composed of *three judges*—this of *four*. That was elected *annually*; this hold their offices during good behavior, or until removed, impeached, or otherwise disqualified. That they sit in the same place, exercise the same jurisdiction, and use the same seal, does not make them the *same court*. But deriving all their powers from a *new and different form of government*—being composed of a *different number of members*, and holding

their offices by a *new tenure*, create them, both in point of *law* and *fact*, a *new court*.

But, admitting that your honors think otherwise, and still deem this to be the same court, in law, that made the decision in the cases referred to ;— even then, we say that on a question of this importance, whether we consider its bearing on the present case, or the course of future adjudications, neither respect for authorities, nor mere pride of opinion, ought in justice to prevent *this* court from reviewing, and, if need be, reversing any decision of *that*. Examples of such a practice are of frequent, or at least occasional occurrence, in other courts—even in the Supreme Court of the United States, the highest judicial tribunal in the country. As an instance, I refer your honors to the case of *Bollman and Swartwout*, in 1807, reported in 4 Cranch, 103, where Chief Justice Marshall says : “ I am very far from denying the general authority of adjudications. The uniformity in decisions is often as important as their abstract justice. But I deny that a court is precluded from the right, or exempted from the necessity, of examining into the correctness or consistency of *its own decisions*, or those of any other tribunal. If I need precedent to support me in this doctrine, I will cite the example of this court, which in the case of *United States vs. Moore*, February, 1805, acknowledged that in the case of *United States vs. Sims*, February, 1803, it had exercised a jurisdiction it did not possess. Strange indeed would be the doctrine, that an inadvertency once committed by a court, shall ever after impose upon it the necessity of persisting in its error. A case that cannot be tested by *principle*, is not *law*; and in a thousand instances have such cases been declared so by courts of justice.”

In a case, then, like the present, where a decision depends upon, or is fortified by no *precedent*, and the *principle* of it is at least doubtful, how much more should the court be willing to reconsider an adjudication of its own ?

The court directed Mr. Turner to proceed with the argument.

Mr. Turner went on as follows :

The indictment in this case is founded on the 1st section of the 1st chapter of the criminal code of 1838 ; but it is preferred and prosecuted in this court under the 4th section of the act of March, 1842, entitled “ An act in relation to offences against the sovereign power of the State.”

The part of the section material to this case is as follows : “ All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State, without regard to the county in which the offence was committed ; and the supreme judicial court shall have full power, for good cause, from time to time, to remove for trial any indictment which may be found under this act, or for treason against this State, to such county of this State as they shall deem best, for the purpose of insuring a fair trial of the same.” This act, it is contended, is unconstitutional and void, as destroying or abridging the right of the common law trial by jury, which right is of itself a fundamental part of our constitution.

In order the better to understand the nature and force of our objections, it may be proper to inquire into the *constitution* and *incidents* of the jury trial as established by the common law, especially in criminal matters. When we speak of the common law jury trial, we use language in law *strictly technical* ; and such trial is intended and understood as embracing all the circumstances and incidents that pertain to such trial, as much as though they were all particularly expressed or enumerated. As was ex-



pressed by Mr. Madison, in the Virginia convention, on the adoption of the United States constitution, (2d vol. Elliot's Debates, p. 389,) on the same subject, "he (Mr. Mason) is displeased that there is no provision for pre-emptory challenges to juries. There is no such provision made in *our* constitution or laws. The answer made by an honorable member lately, is a full answer to this. He said, and with great propriety and truth, that where a technical word was used, all the incidents belonging to it necessarily attended it. The right of challenge is incident to the trial by jury; and, therefore, as the one is secured, so is the other."

The first great feature in jury trials in criminal cases, at common law, is, that the indictment shall be found by a grand jury composed of good and lawful men of the county in which the offence is committed. This was a right of our English ancestors long before Magna Charta, and ever after, to the settlement of the American colonies; and its violation was one of the causes of the Revolution. (For authorities, see next point.)

The next in order was, *that the trial should be had in the same county where the indictment was found*, being that in which the offence was committed.—25 Ed. 3, c. 4.—4 Hawk. P. C. 371.—3 Coke Ins. 27 Eng. Lib. 213, 221, 229, and 24.—2 Hale P. C. 264, 163, and 164.—4 T. Black. 349, 1 Trials *per pais* 115, c. 8.—3 Inst. c. 2, p. 24, 25, 26, 27, 33.—1 Hale P. C. 221, 298, 299.—Hawk. P. C. 2, c. 23, s. 92.—Rhode Island Res. 1790, art. 8. Crim. Code of 1838, p. 992, s. 26.

The next was, *that all the jurors sworn should be of the same county of the vicinage, or neighbors of the accused*. (For authorities, see last point. ante.)

The writ of *venire* was to be served by a *sheriff who was without suspicion of partiality, or unduly influenced by any one*.—1 Chitty, C. L. 437 and 438, and authorities there cited.

The jurors themselves were not only to be of the county where the offence was committed, but also to be men of substance in point of estate, and, individually, above all objection or exception. "*Omne exceptione majores*"—and *probi et legales homines*.

Another incident in capital cases was, a right to peremptory challenge of jurors; in treason, to the number of thirty-five—and as many more for cause, as good objections could be made to.

And, (one of the most important of all,) the jury in criminal trials were judges both of the law and the fact.—4 Tuck. Bl., tit. Jury.

They were all to be under oath; and, lastly, they must all unite and agree upon the verdict they might render under their oath.

These are the principal features and incidents of the trial by jury, at common law; and the great and good Lord Hale had them all in view when, two hundred years ago, he pronounced "the trial by a jury of twelve men, as settled in England, to be the best trial in the world."—Hale's Common Law, 286.

It was under a full consideration of all this combination of circumstances and incidents, that Sir W. Blackstone, in his Commentaries, vol. 3, p. 349 and 356, passed his encomiums upon it, and at page 380 declares it to be, "therefore, upon the whole, a duty which every man owes to his country, his friends, his posterity and himself, to maintain, to the utmost of his power, this valuable constitution in all its rights; to restore it to its ancient dignity, if at all impaired by the different value of property, or otherwise deviated from its first institution; to amend it, wherever it is defective; and,

above all, to guard with the most jealous circumspection against the introduction of *new* and *arbitrary* methods of trial, which, under a variety of plausible pretences, may, in time, imperceptibly undermine this best preservative of English liberty."

Under similar views of trials by jury—and an enlightened view of the powers and rights of juries was it—Lord Brougham, in his speech in the English House of Commons, February 7, 1828, on the state of the law, thus expressed himself: "The House will permit me to say a few words upon the subject of juries; the rather, because this venerable institution has, I lament to say, been of late years attacked by some of the most distinguished legal reformers. Speaking from experience, (and experience alone,) as a practical lawyer, I must aver that I consider the method of juries a most wholesome, wise, and perfect invention, for the purposes of judicial inquiry. In the first place, it controls the judge, who might not only in political cases have a prejudice against one party, or a leaning towards another, but might also, in cases not political, where some chord of political feeling is unexpectedly struck, *if left supreme*, show a bias respecting suitors, or (what is as detrimental to justice,) their counsel or attorneys. In the second place, it supplies that knowledge of the world, and that sympathy with its tastes and feelings, which judges seldom possess, and which, from their habits and stations in society, it is not decent that they should possess, in a large measure, upon all subjects. In the third place, what individual can so well weigh conflicting evidence, as twelve men indifferently chosen from the middling classes of the community, of various habits, characters, prejudices, and ability? The number and variety of the persons is eminently calculated to secure a sound conclusion upon the opposing evidence of witnesses, or of circumstances.

"The system is above all praise—it looks well in theory, and works well in practice—it wants only one thing to render it perfect, namely: that it should be applied to those cases from which the practice in equity has excluded it; and that improvement would be best effected by drawing back to it the cases which the courts of equity have taken from the common law, and which they constantly evince their incapacity to deal with, by sending issues to be tried whenever any difficulty occurs."

Such was the trial by jury claimed of the British crown, as a fundamental law of the realm, by the Continental Congress, in their declaration of rights, October 14, 1774, art. 5, where they say: "That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law."

Such was the trial by jury claimed and demanded by Rhode Island, in their resolutions of October, 1769. "That the seizing of any person or persons, residing in this colony, suspected of any crime whatever committed therein, and sending such person or persons to places beyond the sea to be tried, is highly derogatory to the rights of British subjects; as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of summoning and producing witnesses on such trial, will be taken away from the party accused."

Such was the trial by jury, for the deprivation of which the declaration of independence charged the British king with having given assent to acts of Parliament "for protecting, by a mock trial, from punishment" his troops "for any murders committed on the inhabitants of these States;" "for de-

priving us, in many cases, of the benefits of trial by jury;" and "for transporting us beyond seas, to be tried for pretended offences," and "for altering fundamentally the forms of our governments."

Such was the trial by jury, which the liberal-minded friends of civil liberty, in the British House of Lords, by their protest against the "act for the better regulating the government of the province of Massachusetts Bay, May 11, 1774, asserted in behalf of the colonies," "because the governor and council, thus intrusted with powers with which the British constitution has not intrusted his Majesty and his privy council, have the means of returning such a jury, in each particular case, as may best suit with the gratification of their passions and interests. The lives, liberties, and property of the subject are put into their hands, without control; and the invaluable right of trial by jury is turned into a snare for the people, who have hitherto looked upon it as their main security against the licentiousness of power;" and made on the 18th of the same month a similar protest against the act for removal of persons to England, to be tried there for offences committed here.—4th Ser. American Archives, p. 127, 94.

Such was the trial by jury in Rhode Island in June, 1777, during the revolutionary war, when a part of our State was in the hostile occupation of an open and avowed enemy, and toryism and treason were sown broadcast through the State; then a legislature of Rhode Island repealed an act of the previous session, that authorized the taking up of a jury by *venire* to try such offences, without the regularly drawn jury, because, as they say, it was "contrary to the ancient laws, usages, and customs of this State."

Such was the trial by jury here also in 1787, when the case of *Trevett and Weeden* was tried, in which it was maintained "that the trial by jury" (that is to say, the common law trial by jury) was "a fundamental right, a part of our legal constitution: that the legislature cannot deprive the citizens of this right."—(Trial, page 11.) And the supreme court of this State at that day so decided, in defiance of an act of the legislature. The judges who had the manly independence so to decide, were summoned to appear forthwith before the Assembly, "to render their reasons for adjudging an act of the General Assembly unconstitutional, and so void;" and they did so attend, and they did render their reasons, as required: and upon being fully heard by counsel, at the bar of the two houses, to the lasting honor of a Rhode Island legislature, which I delight to recall, they were all honorably discharged.

Such now also is the common law trial by jury, which every other State constitution has declared shall be forever held *sacred* and *inviolable*, and which is also secured in express terms by that of the United States also.

Such was the trial by jury in 1830, when Judge Story, in the case of *Parsons vs. Bedford* and others, (3 Peters's Reps.) declared that "the trial by jury is justly dear to the American people. It has always been an object of deep interest and solicitude, and every encroachment upon it has been watched with great jealousy. The right to such a trial is, it is believed, incorporated into, and secured in every State constitution in the Union. One of the strongest objections originally taken against the constitution of the United States, was the want of an express provision securing the right of trial by jury in civil cases. As soon as the constitution was adopted, this right was secured by the seventh amendment of the constitution proposed by Congress, and which received an assent of the people so general as to establish its importance as a fundamental guarantee of the rights and liberties of the people. At this time there were no States in the Union, the



basis of whose jurisprudence was not essentially that of the common law, in its widest meaning."

Such, may it please your honors, is the constitutional trial by jury in its unshorn state, both in England and this country: such is the trial by jury, it may be presumed, that the convention which framed our present constitution *probably* intended by that article of the bill of rights attached to it, which declares that it shall remain sacred and inviolate. I say *probably* intended; for this very obnoxious act was then in full force, and was the law of the State regulating jury trials; and it cannot, in justice to humanity, be supposed that the convention ever intended to make such a law *fundamental* and *perpetual*, by placing it beyond the reach of all future legislation.

And now, may it please your honors, having shown in what the common law trial by jury consists, by an enumeration of its inseparable incidents; and having attempted, by authorities, to establish it as a part of our fundamental or constitutional law, let me ask your honors' attention to the alarming inroads made upon its very vitals by the act of March, 1842.

The fourth section of the act provides that "All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State, without regard to the county in which the offence was committed." It leaves it, therefore, entirely at the discretion or caprice of the attorney general to proceed against a supposed offender in any county he pleases, no matter how remote or how hostile to the accused; and according to the construction given to the act by the court, it authorizes a trial to be had in the county where such indictment may be found, "without regard to the county in which the offence was committed;" thus enabling the prosecutor to take the accused away from his own county, under an indictment found by a grand jury of another county, and there try him by a petit jury, equally unknown to him and his friends, if he have any—beyond the reach of witnesses in his own favor—beyond the means of such challenges as he might make to jurors of his own county—and alike beyond the means of contradicting or discrediting the witnesses brought against him.

The extent of territory of this State, to be sure, is small; but principle is the same everywhere. Suppose the legislature of one of the large States—New York, Pennsylvania, or Virginia, for instance—should pass such an act; it is hardly to be believed that the supreme court of either of those States would declare such an act to be law. Suppose that Congress should pass an act, authorizing indictments for treason against the United States to be found and prosecuted in the same way in any of the United States, without regard to the State or district in which the offence was committed, (and, by parity of reason, they well might do so:) is it possible to doubt that the Supreme Court of the United States would at once pronounce it unconstitutional and void?

*Durfee, Ch. J.*—The only question is, whether the General Assembly can, by statute, alter the common law.

*Turner.*—That depends on another—whether that common law was a part of the fundamental or constitutional law. If it were, then the legislature could not alter it. [Turner proceeds.]

The right of trial by jury implies and includes all the incidents that I have enumerated. Ordinary legislation cannot rightfully abridge them. Yet this act, at one dash of the pen, abolishes the necessity of an indictment.

found in the county, and by jurors of the county where the offence was committed; subjects the accused to be tried in a foreign or remote county, by a jury of that county; and essentially alters the nature of the common law, and constitutional jury trial.

If the legislature had gone a step farther, and completely abolished the right to peremptory challenges, (as they have already reduced the number of them from 35 to 20,) the form of trial by jury would be hardly worth preserving; for, as it is not every decision of twelve men that constitutes a trial by jury, in legal acceptation, the purposes of justice might have been as well subserved by a military as by such a civil tribunal.

I contend, therefore, that that portion of the 4th section of the act of March, 1842, was unconstitutional and void; that the ruling of the court was erroneous, and that a new trial ought to be awarded.

The court adjourned until 3 p. m.

WEDNESDAY AFTERNOON, *June 12, 1844.*

The court met as usual. Mr. Dorr brought in.

*Mr. Turner* took up the 17th exception—viz: "Because the court misdirected the jury, in charging them that the only question of intention on the part of the defendant, which, under their oaths, they could consider, & as whether the defendant, at the times laid in the indictment, intended to commit the acts charged against him in the same;" and urged to the court that the guilt or innocence of the prisoner was principally a question of general intent; that any presumed criminal intent might be legally rebutted by evidence drawn from facts, and circumstances proved on his part; that, for this purpose, he had offered proof of the adoption of the people's constitution by both votes and voters; of his election as governor, the constitution itself, and the address which he delivered to the people's legislature, besides a great mass of oral testimony drawn from his own and the government witnesses; that the testimony thus offered, and ruled out by the court, together with that which was introduced and charged by the court as irrelevant, was *legally* sufficient to rebut all presumption of criminal intent on his part; and that the charge of the court to the jury not to consider it, but to confine themselves to his intent to commit the acts charged against him, at the times laid in the indictment, was clearly a misdirection on their part, for which a new trial should be granted.

*Mr. T.* then took up the 18th exception, viz: "Because the officers charged with the service of writs of *venire* for the return of 108 jurors, selected and summoned the whole number, except ONE, from the members of one political party in the State, whose political feelings and prejudices are inimical to the political party to which the defendant is attached, and to the defendant himself."

*Durfee, Ch. J.*—What do you propose? That *we* shall determine what makes a democrat or a whig?

*Dorr.*—We offer to prove the facts alleged by competent witnesses.—(Reads 1 Chitty, &c.)

*Turner* comments on the singular fact, that where public opinion had been so generally divided as on recent Rhode Island affairs, the sheriff should have summoned 107 out of 108 men of the opposite party.

*Blake.*—A good deal is said about party—what party do you mean?

*Turner.*—I have so far, may it please your honors, avoided the use of any term that might be offensive either to the court or the government; but,

being so pointedly called on, I say that I mean the Algerine, the "*law and order*," the ANTI-SUFFRAGE PARTY; the party that, with exasperated and embittered feelings, are opposed to Mr. Dorr, and the party with which he has acted. These parties, at one time, constituted the two great political divisions of the people of this State. I therefore say that it does not seem to me the best way in the world to get an *impartial* jury, to look for them all among political enemies.

*Durfee, Ch. J.*—Would it be fairer to take them from the other party?

*Turner.*—No. But from both indiscriminately.

*Durfee, Ch. J.*—All who were not for the government were against it.

*Turner.*—We offer evidence to prove what we allege as to their hostile political party feelings.

*Dorr.*—What I complain of is, that the sheriff studiously avoided the members of one party, apparently deeming them not the most advantageous triors, and selected them all from another party. It looks a little like an unfairness which is inconsistent with my right to an impartial jury.

(*Atwell* makes an allusion to the convent case.)

*Dorr.*—Mine is a much stronger case than that of the Catholics in the recent case of Daniel O'Connell.

*Bosworth.*—None of those summoned took part in the rebellion.

*Blake.*—There were several who left Mr. Dorr when he used force.

The court refuse to admit any evidence as to the political character of the jury.

The exceptions having now been all considered in course, Mr. Turner takes up the substitute for exception No. 4, relating to the challenge to the array. He read the exception, and an affidavit filed by the prisoner, as follows, viz:

#### SUPREME COURT, *March term, A. D. 1844.*

NEWPORT, sc :

*Indictment—The State vs. Thomas W. Dorr.*

On motion for new trial.

And now, on this 17th day of the term, the said Dorr on solemn oath declares and says, that, upon a challenge to the array made on the trial of said indictment, and overruled by the court, this affiant has new and further evidence in its support, which has come to this affiant's knowledge since the verdict in said cause was rendered, and of which he was then ignorant.

THOMAS W. DORR.

Sworn to in open court :

WILLIAM GILPIN, *Clerk.*

*Blake.*—We are not prepared to meet such a charge, and object to its being filed.

The court permit it to be filed.

*Durfee, Ch. J.*, then delivered the opinion of the court upon the objections made by the attorney general to the 1st exception—That no evidence should be received to disqualify the jurors by proof of previous hostility to the prisoner.

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MR. BLAKE, ATTORNEY GENERAL IN REPLY TO MR. TURNER'S OPENING ARGUMENT, ON MOTION FOR NEW TRIAL.

*Mr. Blake* said that, although it was then pretty late, yet he would go on to reply to the bill of exceptions that evening, as he had very little to say on



the subject, and thought it probable that he should not occupy their honors' attention more than about FIFTEEN MINUTES.

(It was then about 5 p. m.)

Mr. Blake said, as to the 1st exception, it had already been sufficiently argued and disposed of by the court's having refused to admit testimony in support of it. He, however, commented on Mr. Turner's authorities, and read 17th Mass. Rep. 515, 1 Pick. Rep. 41, 6 Dane Dig. 233, Wend. Dig. N. Y. Rep. 318 and 320, and 5 Mass. R. 78. As to Tallman, (said Mr. B.,) it is going a good ways to make such an exception. The objection, to be available to the prisoner, must not be for light and trivial, but for vitally important grounds. In this case, Waite (the witness) swore positively, Tallman only negatively; and, by all the rules of evidence, he ought to be, as in fact he was, set aside.

As to Westcott, (said Mr. B.,) he was challenged for cause, and, upon trial, the challenge was not sustained. It is too late now to try the matter over again; he was challenged peremptorily, and of course did not sit on the jury. Mr. B. commented on the authorities cited, and insisted that they did not meet this case.

As to the 4th exception, touching the challenge to the array, I consider this exception as virtually settled by the decision of the court. If evidence cannot be admitted after verdict to disqualify a single juror, *a fortiori* it will not be received to set aside a whole pannel.—[Reads 1 Chitty C. L. 545, Har. Dig. 522-4, s. 8, 6 Dane's Dig. 253, cites 3 John. N. Y. Dig. 320.]

As to the 5th exception—that the prisoner had not sufficient time to canvass the qualifications of the jurors. The law gives *no time*. But no prisoner ever had more time, in the whole, than Mr. Dorr had; the most he could expect was a reasonable time, and of that the court alone are the judges.

As to the 6th exception. There is nothing in this exception, as to loss of peremptory challenges; because when the motion was made at the trial, the *six* challenged jurors had been discharged, or excused by the court, and were no longer within the power or control of the court—in fact, were no longer jurors; and I know of no law that requires the court to ask permission of a prisoner on trial, when they are to excuse from further attendance such jurors as he, by his peremptory challenge, has himself told that he would not have to sit on his cause.

As to the 7th exception—that prisoner was not furnished with a full list of the government witnesses—I have the same to say that was said with regard to copies of the pannels of jurors. He was not, by any *law*, entitled to any notice. It was otherwise in England, to be sure, in *cases of constructive treason*. This is a case of actual *levying war*, and not of constructive treason. In point of fact, however, he did have notice of them, as fast as we ourselves knew who they were—at least all of them but *one*.

As to the 8th exception—the introduction of other evidence before any *overt act* was proved. This objection was made and argued at the trial, and the counsel read authorities upon the point; but the court, upon the authority of Chief Justice Marshall, in Burr's trial, decided that we might introduce it. Now I agree, if we had not subsequently proved an overt act of treason, and the prisoner's participation in it, all such evidence *would have gone for nothing*. It is merely a question of the order in which the evidence should be introduced, and entirely in the discretion of the court.

As to the 9th exception—admitting aggravating testimony as to facts be-

yond the knowledge of the prisoner. This testimony was introduced to *characterize* the assembly which was subsequently joined by the prisoner. Besides, before the court will grant a new trial, they must be satisfied that, if this testimony had been ruled out, the verdict would have been different from that found by the jury.

As to the 10th exception. I shall pass by all the authorities on this right of the people to make a constitution; the question had been fully and elaborately argued and re-argued, and little now can be said on the subject. It was Mr. Dorr's intention to subvert the government of the State. He had no right to use force.

*Bosworth.*—His own legislature were opposed to it.

*Blake.*—Mr. Dorr was not injured by the refusal to receive the votes, as proof of the people's constitution; they could not have been produced, if the court had admitted them; and it would have been utterly impracticable to prove them by so many witnesses as the votes themselves. This was all intended for *mere show*.

*Dorr.*—There was no *show* about it. The votes themselves were actually here—ready to be produced and verified.

As to the 11th exception, I shall say nothing. It is nearly like the last, and has once been passed upon.

The 12th exception is about the same.

As to the 13th exception, whether the jury are the judges of the law, &c. The court already understand all about that; but I will notice some of the gentleman's authorities.

In the trial of Judge Chase, it appears to me that he laid down the law very much as this court has, and a portion of his counsel put it on the same ground; whereas, on the grounds contended for by the prisoner's counsel in this case, the court and jury would be coming continually in conflict. Mr. B. read Thos Coke, 355, 2 Sum. Rep. 241, 7 Dane Dig. 382, 3 Wend. 318, and commented on them.

As to the 14th exception, I need say nothing, as I presume the opinion of the court on the subject of State treason remains the same as at the trial.

As to the 15th exception, I pass that over also, for the same reason; it having been solemnly decided by the court, upon a very learned and elaborate argument.

As to the 16th exception, that was embraced in the argument of the 13th.

As to the 17th and 18th exceptions, as it is now late, I will say what I have to say about them in the morning, when I wish to remark on the whole subject of the bill.

The court adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, June 13, 1844.

The court met as usual; Mr. Dorr brought in. Mr. Blake (attorney general) continues his argument on the motion for a new trial.

Mr. B. said: As to the 17th exception, (the ruling out evidence as to *intent*,) he was satisfied then, and now, that the evidence was inadmissible for that or any purpose, and very properly ruled out by the court.

As to the 18th exception, he could say nothing. The court refused to admit any evidence in relation to it, and therefore it all went for nothing.

Mr. B. then recurred to the 4th exception, upon the substitute and affidavit offered by the prisoner; and contended that the objection could only

be made before the jurors were sworn, and that after they had been sworn, even though an unsuccessful challenge to the array had been interposed at the proper time, no exception could be taken to it *after verdict*, upon which to ground an application for a new trial; that it was then too late; that more evidence was required to set aside a verdict in a capital case than in any other, because, in the former, the prisoner had the benefit of his peremptory challenges; that a juror may have had *prejudices* that might be proved, and yet, before he was sworn, might have overcome them, and so *truly* have sworn that he had none; that (as had been ruled by the court) if, after verdict, evidence would not be received to disqualify a single juror, *a fortiori* it would not be received to disqualify many, far less to set aside a whole array; that before the court would grant a new trial, they must be satisfied that some injustice had been done the prisoner by the verdict, which might be remedied on a new trial; that another jury might find a different verdict; but that in this case the prisoner had himself admitted the facts against him on the trial, and no intelligent jury, who regarded their oaths, could find a different verdict. He admitted that, if there had been a *mis-trial*, a new trial should be granted.

*Durfee, Ch. J.*—What is a *mis trial*?

*Blake.*—A void trial—no trial at all.

The additional authorities read by Mr. B. were—2 Chitty, C. L. 545; Har. Dig. 1522-4; 17 Mass. 538, 4 do. 399; 6 Dane's Dig. 251; and N. Y. Dig. 320.

The argument was briefly closed by Mr. Turner for the prisoner.

Mr. Turner said he thanked the learned attorney general for having given him, as he thought, very little to do, although he had stretched out fifteen minutes to somewhat more than four hours. He said this motion resolved itself into two questions for the consideration of the court, viz:

1st. Can the court, by law, grant a new trial in a capital case like this? and 2d. Has the prisoner, by his motion, fairly brought himself within the legal discretion of the court in granting one?

The first question, whatever the law or the practice may be elsewhere, is settled in this State by statute, which expressly vests that power in this court. (Mr. Turner read R. I. Digest of 1822, page 110, § 6.)

Upon the other question, I have little to add to that which has been already submitted to the court.

In reply to the arguments and authorities of the attorney general, Mr. T. went into a full reconsideration of the matter of challenge to the array, on his part insisting that the evidence (which he minutely stated at full length) ought to be received by the court; that it proved much more than the "*tolerable cause of suspicion*" of improper interference with the duty of the officer in taking up the jury, mentioned in several of the books he had read; that it was of itself, if there was no other point in the case, good and ample cause for a new trial; that it affected and destroyed the legal competency of the whole jury; and that no trial could be *fair*, that was had before a totally incompetent and illegal jury; that this was the only legal way in which a remedy could be reached; that the challenge was seasonably made, and, being overruled, the prisoner was driven to the necessity of challenging the polls, or of submitting to have the whole illegal panel packed upon him.

The court ruled that the evidence shall not be admitted, on the ground that the challenge was tried at the time it was made.



*Staples, J.*—If all the facts were proved, they would be insufficient for setting the verdict aside; they would amount to nothing.

The court adjourned until 3 p. m.

THURSDAY AFTERNOON, *June 13, 1844.*

The court met as usual; Mr. Dorr brought in.

*Durfee Ch. J.*—The court is not yet ready to deliver an opinion. The court adjourn until 9 o'clock to-morrow morning.

FRIDAY MORNING, *June 14, 1844.*

The court met as usual; Mr. Dorr brought in.

*Durfee, Ch. J.*—The delay in delivering the opinion of the court has been occasioned by an effort to reduce it to writing; it has not yet been completed, and cannot be done now, for perhaps some days. We will state the general result arrived at *now*, with a view to any further proceedings; and when completed, have the written opinion put on the files in the clerk's office. The motion for a new trial is overruled.

#### MOTION IN ARREST OF JUDGMENT.

*Mr. Turner* then put in and read a motion in arrest of judgment, as follows, viz:

"NEWPORT, *sc* :

"SUPREME COURT, *March term, A. D. 1844.*

"*In the case of the indictment—The State vs. Thomas W. Dorr, for treason.*

"And now, on this nineteenth day of the term, after verdict given, and before judgment rendered in said cause, the said Thomas W. Dorr here moves this honorable court to arrest the judgment to be rendered on said verdict, for the following objections and causes of error, which arise upon the face of the record of said cause here remaining.

"1. Because it appears by the indictment that the offences charged to have been committed by the said Dorr are charged to have been committed by him in the county of Providence, and the said indictment is found and returned a true bill by a grand jury composed of citizens of the county of Newport, summoned, sworn, and empaneled as the grand inquest of said last mentioned county, and not otherwise, and by them returned for trial to this honorable court at their August term, 1842.

"2. Because it appearing by said indictment, as aforesaid, it also further appears by the record aforesaid, that the said Thomas W. Dorr was tried and convicted of the several offences charged against him in said indictment, at the present session of this honorable court, held in and for said county of Newport, and by a jury composed of the citizens of said county of Newport, summoned, empaneled, and sworn as such, and not otherwise; all which is contrary to law. Whereupon, he moves the court, here, to arrest the judgment in said cause.

"THOMAS W. DORR."

*Mr. Atwell.*—I move the court to assign some future day for the argument. The great importance of the question itself, as well as the effects of the de-

cision, requires that it should be fully argued. I have once argued this question, and wish to argue it fully to the court, having prepared myself to do so; Mr. Turner's attention having necessarily been occupied in the consideration of other points of the case. My state of health, which your honors know, will allow me, I hope, to do this at any day after the rising of the General Assembly. My confidence in the question is very great.

*Bosworth.*—I object to any delay: the prisoner has had much delay already. It was known that Mr. Atwell would be unable to attend. This same question was originally one of the grounds for a new trial, and they professed to be ready to argue it.

*Turner.*—For myself, I say so now. But Mr. Atwell was always relied on to argue this question. It is on account of his ill health that any delay is now asked.

*Dorr.*—On this question of delay, I wish it to be entirely understood that it is a matter between the court and Mr. Atwell, whose services I have much needed, and which, in this matter, would be of great importance. I ask for no delay on my own account.

*Blake.*—I am opposed to any delay; the argument ought to proceed immediately.

*Haile, J.*—Could not the trial proceed, so far as the opening is concerned, and Mr. Atwell close the argument in writing? This would be a great relief to him, in his state of health.

*Atwell.*—That would be satisfactory; more so than to take the chances of being able to argue it after the rising of the Assembly. Everything Mr. Dorr has stated as to his expectations of my services is strictly correct.

*Durfee, Ch. J.*—I do not see but that would be a very good arrangement.

*Staples, J.*—I would extend every indulgence to Mr. Atwell; but not even to him, as he is situated, without the assent of the prisoner.

*Atwell.*—Mr. Dorr assents to it.

*Durfee, Ch. J.*—Then, Mr. Turner, you will proceed.

#### MOTION IN ARREST OF JUDGMENT.

#### *Opening argument of Mr. Turner.*

May it please your honors: The question now to be presented for the consideration of your honors, is, *whether the indictment in this case could be legally tried in this county?*

I am aware that the same question which arose on the indictment against Judge Joslin has been once argued before the former court, and that the decision was against us. The question, however, is one of such great importance to our client, Mr. Dorr, and of such deep interest to the community at large, that we have felt ourselves excusable in strongly urging upon your honors its reconsideration upon this motion. The court need not to be informed that, in that case, the decision was not the unanimous opinion of the court; and we think, even if it had been, as it was the first and only case which had arisen under a new law, and as the court now is differently constituted, composed of a different number of judges, (one of whom has never heard the point argued,) it is not derogatory to the court to consider it as still an open question, and a proper subject to be re-argued.

The court, or a majority of them, are also aware that I was not present, and took no part in the argument of that case; and I may properly state

that I have seen no report of it; so that, in attempting the argument in this case, I have no aids beyond my own views of the law, and my own researches for authority.

But when so great an innovation is attempted upon the jurisprudence of the State, it is most expedient that what is to be considered law should be deliberately and well settled in the first instance. The views I may take of the subject it would be egregious vanity in me to imagine will compare with those of the profound and learned scholars who argued the question before; but they will be my own, and I doubt not that the court will bestow upon them all the consideration they may be entitled to.

In the first place, then, I shall contend, and attempt to show by authorities, that, by the common law and ancient statutes of England—all of which were a part of the common law of Rhode Island—a citizen who stood indicted was triable only in the *county* where the offence was charged to have been committed, and by a jury of the *visne* or *neighborhood*.

[Here Mr. T. read, and commented on as he read, the following authorities: Stat. 25 Edward 3, c. 4; 4 Hawk., P. C. 371; 2 Hawk., P. C. 403; 3 Coke's Inst., 27; Eng. Lib. 213, 221, 229, and 24; 2 Hale's P. C. 264; 163, 164; 4 Tuck. Bl. 340; 1 Trials per Pais, 115, c. 8.]

*Blake, attorney general*.—We admit that, as *common law*, the defendant had a right to be tried in the county; but a great many statutes in England have altered common law in that particular. Chitty is full of them.

*Turner*.—I am aware of it, as you will perceive by the next position that I take; and that, may it please your honors, is, that, as far as the common law in England has been altered by statute, the authority to try is expressly given.

These statutes are quoted in the context of the 1 Chitty's C. L., from page 180 to 190, inclusive, where he treats of *venire* and change of venue, and are as follows, viz: 13 Geo. 3, c. 31, s. 4, 5; 44 do., c. 92, s. 7, 8; 43 do., c. 113, s. 5, 6; 2 Geo. 2, c. 21; 2 Jas. 1, c. 11; 53 Geo. 3, c. 108, s. 25; 42 Geo. 3, c. 81, s. 3 and 85; 26 Geo. 2, c. 19, s. 8; 8 Geo. 2, c. 20, s. 3; 13 Geo. 3, c. 84, s. 42; 38 Geo. 3, c. 52; 51 do., c. 100; 33 Hen. 8, c. 23; 9 Geo. 2, c. 35, s. 26; 19 Geo. 2, c. 35, s. 5; do. do. c. 30, s. 1; 37 Geo. 3, c. 70, s. 7; 26 Hen. 8, c. 6; 34 and 25 Hen. 8, c. 26, s. 75, and c. 2; 28 Hen. 8, c. 15; 39 Geo. 3, c. 37; 6 Geo. 1, c. 19; 11 do. do., c. 29, s. 7; 33 Geo. 3, c. 67; 39 Geo. 3, c. 44, s. 7, 8; and 12 Geo. 3, c. 24, s. 2.

All these statutes, said Mr. T., down to the 30th year of George III, (1790)—that being the latest period to which I have had the means of access—have been carefully examined; and, excepting the 2d of George 2, c. 21, and the 19th of George 2, c. 35, s. 5, (which relate to incidental matter merely,) whenever they authorize the *finding* of an indictment in any county other than the county or place in which the offence may have been committed, do, in the most explicit terms, at the same time, *give the power to try*. There is, to be sure, great variety of language used for this purpose; but yet, in every instance, it is such as puts that purpose and that intent beyond the shadow of a doubt. In some cases, the phraseology is to "hear, try, and determine;" in others, "to be inquired of, examined, tried, and determined;" in others, "inquire, hear, and determine;" in others, "to be prosecuted;" in others, "to be heard and tried;" and in others still, "to indict, try, and punish." There is no instance in which the statute waives the



power to try as *incidental* to the power to *indict*; or to be *inferred* by the court.

With regard to the statutes of England, it may be remarked, further, that none of them, passed subsequent to the Revolution, in the 15th of George III, are of any authority in, or furnish precedents for, the courts in this country—notwithstanding Mr. Chitty relies much on them in his book, and that book is relied on every day, as authority, in our courts. In fact, several of the statutes passed prior to the Revolution, in the 8th, 12th, and 13th years of George III, also quoted by Chitty, are among those enumerated as *oppressive* and *unconstitutional* by the Continental Congress, in their declaration of American rights, of October 14, 1774, and were, in themselves, prominent causes of the war of the Revolution; and they, also, are now brought up as good authority against us, on a question of the right of a Rhode Islander to be tried in his own county, and by a jury of that county.

Having thus shown how the right of trial in England stood at common law, and how it has been altered and abridged by statute, I will proceed to the consideration of another point in the case—which is, that, by the general law of Rhode Island, concerning crimes and punishments, the person indicted is to be tried in the county where the offence is charged to have been committed.

Mr. T. here read from the Revised Criminal Code, State Laws, page 992, chap. 9, sec. 26, as follows, viz:

“Every person who shall be accused of any offence shall be proceeded against in the county in which the offence shall be alleged to have been committed, *and not elsewhere.*”

This was not the enactment of *new law* in this State in 1838, when this revision was made; it had always been the law here; our ancestors brought it with them from the mother country. In the Digest of 1822, page 345, section 27, a similar provision is found in these words: “Nor shall any person, charged with either of the (capital) crimes aforesaid, be tried, except by the supreme judicial court, holden in and for the county wherein the offence shall have been committed;” and at page 353, section 60, it is repeated in these words: “That persons accused of any crime or crimes shall be proceeded against either in the supreme judicial court, or the court of general sessions of the peace of the county wherein the crime or crimes charged may be committed, unless in cases where, by law, *special provision* is or shall be made.”

In the Digest of 1798, page 604, section 56, is the same provision, expressed in the same words—the former being a literal transcript of the latter.

In the resolutions adopted by the legislature of Rhode Island, communicated to Congress upon the adoption of the United States constitution in 1790, (section 1st, Elliot's Debates, 370, in articles 8 and 18,) the right of trial by a jury of the vicinage is declared to be a constitutional right, that “*cannot be abridged.*”

So stood the law in Rhode Island up to March, 1842, when the legislature passed the “act in relation to offences against the sovereign power of the State”—upon the construction of the 4th section of which, the present question arises. It may, however, as well be here observed, that the *general law* of Rhode Island on the subject is the same, in principle, with the 6th article of the amendments of the constitution of the United States.

The 4th section of the act of March, 1842, is in these words: "All offences under this act shall be triable before the supreme judicial court only. Any person or persons arrested under the same, and also for treason against the State, may be imprisoned or held in custody for trial in the jail of such county of the State as the judge or justice issuing the warrant may order or direct; and the sheriff, or other officer charged with the service of such warrant, shall, without regard to his precinct, have full power and authority to take such person or persons, and him or them to commit to any county jail in this State, which may be designated by such judge or justice; and it shall be the duty of all sheriffs, deputy sheriffs, town sergeants, constables, and jailers to govern themselves accordingly. *All indictments under this act, and also all indictments for treason against this State, may be preferred and found in any county of this State, without regard to the county in which the offence was committed;* and the supreme judicial court shall have full power, for good cause, from time to time, to remove for trial any indictment which may be found under this act, or for treason against the State, to such county of the State as they may deem best for the purpose of ensuring a fair trial of the same; and shall, upon the conviction of any such offender or offenders, have full power to order, and from time to time to alter, the place of imprisonment of such offender or offenders to such county jail within this State, or to the State's prison, as to them shall seem best for the safe custody of such offender or offenders; any act, law, or usage to the contrary, notwithstanding."

To this act of March, 1842, there is no repealing clause. And I contend, in the next place, that it does not, in express terms, or by necessary implication, repeal the common law, or the general statutes before referred to, as to the place of trial of indictments.

It is not pretended by any one that this statute *expressly repeals* the general law of the State, as last re-enacted in 1838; but that it is by *implication* repealed, as to this, by the provision contained in the section read, that indictments under it, and for treason against the State, "*may be preferred and found in any county of the State, without regard to the county in which the offence was committed.*" Now, we say, that if such had been the intention of the legislature, they would have so expressed it; and, instead of saying "*may be preferred and found,*" they would have said, "*may be preferred, found, and tried in any county.*" The legal presumption even is, that a legislature always *does say* precisely that which it *intends*; and when it intends to repeal an existing law, it will express itself in such terms as, by a material and unforced construction, will declare that intent. Again: a subsequent law does not *necessarily* repeal a prior law upon the same subject; and where no express words of repeal are made use of, the first inquiry is to ascertain from the whole act what the intention of the legislature was, in order to see if both the old and new act may not well stand together.

In this case, we contend that it was not the intention of the legislature to take away from the accused, in the first instance, the old, cherished common-law right of a trial in the county where the offence was alleged to have been committed; but to provide, in times of great civil commotion, that, in order to ensure *some* trial of offenders, they might be *indicted* elsewhere than in that county; and that all such indictments should be continued from term to term, until they could be fairly and impartially tried in the proper county.

I am aware that, on a former occasion, it was said by the court, that, if they could not *try here* an indictment found *here*, for an offence committed in the county of Providence, or elsewhere, until it had been removed *for good cause* shown, the indictment might never be tried; but we apprehend that no such difficulty exists. We know of no reason, or law, that would prevent this court, *ex officio*, or on suggestion of the attorney general, from taking this indictment by *certiorari*, according to the practice of the English court, into the county of Providence for trial—the overt acts of treason being alleged to have been committed in that county, and of continuing it there until it could be fairly tried; if no fair trial could be had there, then of removing it, under this act, for trial, to some county where it might be fairly tried.

This construction of the 4th section of the act of March, 1842, *implies* no repeal of the general law of 1838; and yet gives to the section *full* and *complete* effect; the fair and legitimate object of the legislature—that of holding an offender so as to be certain of *a trial somewhere*—is attained on the one hand; whilst, on the other, the “inestimable privilege” of a fair trial, by an impartial jury of the peers of his vicinage, is secured to the accused in the county where his offence is charged to have been committed.

But should ours not be considered the true construction, (and I see not what other construction it justly admits of,) then, may it please your honors, as it neither repeals the general law, nor anywhere expressly gives the power to *try* indictments anywhere out of the county where they were triable, as common law, and under the old statute, I cannot see how this court can sustain their jurisdiction over this indictment, and try it in the county of Newport.

The omission, on the part of the legislature, to do the one or the other, most clearly constitutes a *casus omissus*, which no court can supply by forced analogies or strained constructions, but which can be remedied only by the future action of the legislature.

Suppose the authority granted by this section had been only that all indictments, &c., may be *tried* in any other county, &c.: I ask if your honors would have conceived yourselves warranted in charging the grand jury of *this* county to *find bills of indictment* against citizens of Providence county, for offences committed there? If not right, then, by parity of reason, they have no right to *try*, when the authority given is only that they may be *preferred* and *found*, and says nothing whatever about the *trial*.

The court has repeatedly told us that they do not sit here to *make laws*; neither do they sit here, as we suppose, to *unmake* them; for it requires the same power to *repeal* a law that it does to enact one; it must stand as it is, and be construed by a fair interpretation of its own language.

[Mr. T. read 1 Hale's P. C. 221, 298, 299.]

This statute is in derogation of the common law and common right, and highly penal in its nature; and we contend that, in the construction of such a statute by the court, they are to be construed in favor of the common right and the right of the prisoner, and strictly toward the government.

[Upon this, and the last preceding point, the authorities read and commented on were as follows, viz: Dwarries on Stat. Law Lib., vol. 9, page of the treatise, 30, 31, 50, 51, 55, 56, 58; 4 Mass. R. 471 and 439; 15 do. 205; 3 do. 254; 5 do. 380; 6 do. 40; 14 do. 286; 7 Bac. Abr. 351.]

With these views, said Mr. T., I submit to the court that the trial of Mr. Dorr in Newport county was contrary to law, and that no judgment ought to be rendered on the verdict of guilty found against him.



## ARGUMENT OF THE ATTORNEY GENERAL, (MR. BLAKE,) ON MOTION IN ARREST OF JUDGMENT.

*Mr. Blake.*—I intend to make but few remarks on the construction of this act. There has already been a decision of this question by *this court*. At that time, all the reasons on either side were given; I do not propose to introduce any new ones. This trial has already lasted a great length of time; and, for my own part, I am anxious to see some end to it.

The act, by the terms of it, gives power to *indict* and to *remove* indictments. The great object in the construction of all statutes, is, in the first place, to ascertain, from the language used, and the surrounding circumstances, what was the *intention* of the legislature at the time of its enactment. You may find in the books maxims for construction adapted to maintain almost any position you may desire. The grand cardinal maxim, however, is to give effect to the *intention* of the legislature; and that can be best ascertained from the circumstances and situation of things at the time which called the act into being. [Mr. Blake here commented shortly on the authorities read on the other side from Dwaris, and read himself from the same work, p. 39, 40, 42, 43.]

When the *words* of a statute are not in themselves explicit, the construction must be drawn from the condition of things at the time of its passage. I agree that, at common law, trials were required to be had in the county where the offence was committed; but in England, particular circumstances, or new situations of affairs, have led to the passage of many statutes altering the common law in that country; and I do not know of any instance in which their courts have decided such laws to be unconstitutional, or trials had under them to be illegal or void.

Now, what were the circumstances and situation of affairs in Rhode Island at the time the act of March, 1842, was passed? There was a very great excitement throughout the whole State; but the principal theatre of commotion and confusion was in the county of Providence—an outbreak and resort to arms were at any moment to be expected. An attempt was then being made to overturn the State government, and plant on its ruins a new one by civil war. The circumstances of the times afforded no immediate or reasonable prospect, if the anticipated evils should overtake us, of any speedy and fair trial for any offence growing out of that state of affairs in the county of Providence, where offences, if committed at all, would most probably be committed. To provide for, and, if possible, to guard against such a contingency, the act in question was passed by the legislature.

No construction should be given to a statute, which will defeat its own ends. The construction contended for on the other side would defeat the whole object the legislature had in view in the passage of the act. That was not only to secure a *trial*, but a *speedy* and *impartial* trial; and, knowing that *such a trial* could not be expected in the county of Providence—the very scene of war—by this act provided for its being had in some other county.

Such, beyond all question, was the *intention* of the legislature; and the only question is, whether the language of the act admits of its being construed so as to give effect to that intention.

The act was passed for a wise and beneficial end; and should receive a wise, a liberal, and a beneficial construction. [Here Mr. B. read and com.

mented on 8 Barn. and Cress. 104; Dwarris on Stat., 51; 1 Chitty C. L., 338, 365, 422, 501; 4 Tuck. Bl. 322.]

The next ground taken by Mr. Blake was, that the *indictment* and *trial* were parts of the same thing. That, if the indictment could be *found* in the county of Newport, it might, as a necessary and inseparable incident, be also *tried* there; that, in fact, according to the books, indictment and trial were convertible terms. [Mr. B. read 1 Chitty C. L., 186, 315; and Foster's C. L., 235.]

To show that the common law and general statute law right of trial in the county, and by a jury of the county, had been altered in Rhode Island much in the same way as it had been in England, (to wit, by *special statutes*.) Mr. Blake read from the Dig. R. I. of 1822, page 159, sect. 12, which provides "That all indictments for any crime or misdemeanor committed on the waters of Narragansett bay, shall be *triable* in any county of this State, at the discretion of the attorney general." His argument being, that the legislature might, with equal right, alter it in the one case as in the other.\*

In conclusion, Mr. Blake insisted that the trial was well had in the county of Newport, and that the judgment of the court should follow the verdict.

The court adjourned until the 24th, at 10 o'clock, a. m. In the mean time, Mr. Atwell furnished his argument in the close, as before stated.

NEWPORT, MONDAY, June 24, 1844.

The court met pursuant to adjournment. Mr. Dorr brought in.

Mr. Atwell not being yet present, the court asked Mr. Turner if the written argument of Mr. Atwell had been furnished. His answer was in the affirmative; and, at a suggestion from the court, Mr. Turner then read

MR. ATWELL'S CLOSING ARGUMENT FOR DEFENDANT, ON MOTION IN ARREST OF JUDGMENT.

May it please your honors: The question now submitted to the consideration of this honorable court is one of no inconsiderable importance, as affecting the case at bar, and as affecting the general principles of our jurisprudence. The defendant is indicted in the county of Newport, for the crime of treason, alleged to have been committed in the county of Providence. He is brought to the county of Newport, by process issuing from the court here, for trial. He is here tried by a jury of this county, and by them con-

\* The section of the act immediately preceding that read by the attorney general, is in these words:

"SEC. 11. *And be it further enacted*, That all the waters of the Narragansett bay, situate to the northward of Field's Point, shall be deemed a part of the county of Providence, and be within the jurisdiction of that county; and that *all the other waters* of the said bay shall *not* be deemed to make part or be within the *sole jurisdiction* of any one particular county in this State; but it shall be lawful for any sheriff, or other officer duly authorized, belonging to either of the counties of this State, to serve any writ or other process, whether of a civil or criminal nature, within any part of the said Narragansett Bay."

So that, as *every county* in the State is bounded on the bay, the legislature very wisely gave them all a *concurrent jurisdiction* over its waters, except the little portion of it entirely within the county of Providence. No argument, therefore, can be drawn from that case to warrant the change of the place of trial of an indictment from one county to another county, for the waters of the bay are as much a part of one county as they are of another.—G. T.

victed; and the question now is, was he properly tried and convicted according to law?

It is admitted on all sides, that, by the common law and ancient statutes of England, (which, together, formed the common law of this State at the time of the revolution,) the citizen, accused of any felony, was entitled to be tried in the county where the offence was charged to have been committed, and by a jury of the *visne* or neighborhood. This was the "fair and impartial trial by a jury of peers"—"the palladium of English liberty" so often mentioned and lauded by the old English writers. It was of Anglo-Saxon origin, and, in cases of treason, was never attempted to be disturbed until the reign of the eighth Henry, whose tyrannical jealousy led him not only to create new and unheard-of treasons, but also new and unheard-of modes of trial. This act (33 Hen. VIII, ch. 23) was repealed in his daughter's reign, (1 and 2 P. and M. ch. 10, sec. 8;) and now, it is believed, treason (with the exception of some minor offences called by that name and committed without the realm) is tried in England "by the course of the common law, and in no other way whatever." There would seem to be a peculiar propriety, as well as necessity, in preserving the integrity of this time-honored principle of the common law in the case of treason, which, being an offence striking at the very existence of the government, would, from an instinct of self-preservation, array against the supposed offender its whole power and influence; and if the government could, at its pleasure, as in Henry VIII's day, take the accused away from his witnesses, his neighbors and his friends, and carry him for trial to a place known to be filled with his enemies and political opponents, his chance for a fair and impartial trial would be small indeed. I address these remarks to the court, in order to show to them that the old common law rule before alluded to, is not to be disturbed or changed, without great and sufficient cause emanating from a superior power, and imperative upon the supreme court. This cause, too, should be clearly and unequivocally expressed, and not depending upon doubtful analogy, or nice and technical deductions, which are sometimes but the devious ways through which error seeks to supplant truth.

The question, then, is, in Rhode Island, Has the common law principle, that the accused shall be tried in the county or vicinage where the offence is charged to have been committed, and by a jury of the same, been altered, changed, or abrogated by any statute, or custom adopted as law?

It is not pretended that any such custom has existed, or now exists. On the contrary, up to the present time the course of proceeding here has been in strict accordance with the common law, except when the legislature has authorized a departure at the instance of the accused. Has it been altered, changed, or abrogated by statute? Let me glance at the legislation on this subject. While we were a colony, the mode of proceeding in this respect was governed by the common law and statutes of the mother country. In 1798, the legislature, in affirmance of the common law, provided that persons accused of any crime or crimes shall be proceeded against, either in the supreme judicial court, or the court of general sessions of the peace of the county wherein the crime is charged to have been committed, unless in cases where, by law, special provision is, or shall be, otherwise made. A similar provision was also incorporated in the Digest of 1822. It is believed the reserved power contained in the exception was never exercised by the legislature, save at the instance of the accused. By the revised



criminal code of 1838, chapter 9, section 26, it is provided that every person who shall be accused of any offence, shall be proceeded against in the county in which the offence shall be alleged to have been committed, *and not elsewhere*. This statute is emphatic, and explicit language re-asserts and enforces the common law principle we have spoken of. The chapter of the last statute cited relates to the proceedings for the prevention of crime, and for the apprehension, examination, and trial of offenders. Thus stood the law in this State in 1838: the ancient common law principle was acknowledged and enforced, and the right of the accused to a trial by a jury of the vicinage was as strongly secured to the subject as in the days of the great Alfred. Has this security been impaired or taken away? If so, it must have been by some statute passed by some competent authority, which, in express terms, or by necessary and unavoidable implication, produces that result. Such a statute ought to receive the strictest construction; for it tends to take away the trial by [a proper] jury, and abridges the liberty of the subject.—(Dwarris, 76.) It also creates a new jurisdiction. (Idem, 77.) Again: it is a question of construction on every act interfering with the provisions of a former law, whether it operates as a total, partial, or temporary repeal; and it is only to be presumed that the legislature, when it entertains an intention, will express it, and that too in clear and explicit terms.—(Dwarris, 56.) A *casus omisus* can in no case be supplied by a court of law; for that would be to make laws.—(Dwarris, 53.) An act was passed by the legislature of this State, being a competent authority, at their March session, 1842, entitled "An act in relation to offences against the sovereign power of this State," which, it is said in its fourth section, has taken away the right in question. Let us see if it be so, under the rules of construction before cited.

The section in question, *by its terms*, changes the law of 1838 in three important particulars only: 1st, as to the right of the magistrate to commit persons charged with the crimes therein mentioned, to some jail in a county other than that in which the offence is charged to have been committed; 2d, as to the right of the attorney general to prefer, and a grand jury to find, indictments for such offence in a county other than that in which the offence is charged to have been committed; and 3d, as to the power of the court to remove, for good cause, indictments so found, for trial to such county in this State as they shall deem best for the purpose of ensuring a fair trial of the same. The two first particulars relate exclusively to the proceedings before trial, which are wholly beyond the power of the court to control, except when judging of their legality,—the one relating to the apprehension, the other to the accusation of the supposed offender. These are but incidents to the trial, the trial being the principal thing. As to the *place* where the trial is to be had, the act makes no provision contrary to, no alteration of the old laws, except when the court exercise the power given to it of removing the trial of the indictment to some county other than that in which it is found. With this exception, the old right of the prisoner stands unimpaired. If he commit one of the offences mentioned in the act, in the county of Providence, he may be arrested and committed in the county of Newport; he may be indicted in that county; he may be arraigned and put to plead in that county. These are all but preparatory *incidents* to the trial; and when the question of the *place* of trial arises, he may well claim the ancient privilege, and say, I must be tried in the

county of Providence, where the offence is charged to have been committed, and not elsewhere, unless, for good cause shown, the trial is removed to some other county in this State.

Such, I apprehend, is the construction the court is bound by law to give to the act in question; and by such construction only can the act stand, without invading the liberty of the subject, and destroying a right once considered invaluable.

[See R. I. Dec. of Rights, 1790, art. 8.]

Again: the act of 1842, in this section, is a repealing act, and it specifically repeals certain parts of the law of 1838. Now, the well known rule is, that when a statute enumerates certain matters or things, other matters and things are excluded. Here the place of commitment, the place of indictment, and the place of trial, under certain circumstances, are specifically enumerated; but the place of trial under the circumstances of this case is not mentioned. The legal conclusion then is, that the legislature intended it should remain as it was before the passage of the act, subject only to the exception mentioned in the fourth section; thus showing their desire to preserve entire the accustomed and long-cherished usages of the State, and to change them only when absolute necessity required it.

Does this construction or exposition, drawn from the plain words of the statute, render nugatory or inconsistent any of its provisions? I think not. It by no means follows, because the court have obtained jurisdiction over a prisoner, by reason of his having been indicted in a particular county, that they must, of necessity, try him in that county. Why should it be so? The arraignment creates no such necessity—the plea pleaded creates no such necessity. And to say that in this case there is no authoritative act which requires the court to hold the trial in another county, is begging the question. The court of King's Bench remove indictments for trial to other counties, by virtue of their statute and common law power, after arraignment and plea pleaded; and this by an ordinary process known to the law.—(1 Chitty on C. L., 402.) I say after arraignment and plea; because, without these, the court could not know that anything was to be tried. Where, then, is the difficulty, theoretical or practical, in carrying out the plain and literal construction of the statute? It is supposed that it may interfere with the bill of rights, which guaranties to every citizen a speedy trial by an *impartial* jury. But how so? The delay is only from the time of the sitting of the court in the county where the indictment is found, to the sitting of the court in the county to which the trial is removed; and an *impartial* jury is of much greater consequence than a speedy trial. But the court will perceive that this objection, if it have any force, applies with equal power to all the cases manifestly embraced in the act; for the court cannot, in any case, exercise the power of removal therein given them, without divesting the defendant of this right to a speedy trial, and thus be at war with the bill of rights, which then formed a part of the constitution of Rhode Island.

Neither has this court a right to presume that the county in which the indictment is preferred and found is, of all others, the most suitable county within which the indictment can be tried. Upon what legal grounds does this presumption rest? The indictment is preferred by the attorney general, upon his individual responsibility, without the assent and control of the court, and without any reference to the place of its ultimate trial. Upon these facts, how can the court raise the presumption in question?



How can they presume a fact from other facts, having no real or necessary connexion with the fact presumed? I might follow this train of reasoning much further, were it necessary; but I trust I have shown the court that the construction of the statute I contend for is not opposed by any difficulty arising out of the mode of legal proceedings under it.

The attorney general contends that the authority to find an indictment carries with it the power to try; and this doctrine he attempts to support by authorities going to show that sometimes text writers use the words "indictment" and "trial" as convertible terms. I think the court will perceive that the authorities do not bear him out in his position; neither has it been, nor can it be shown, that the indictment or accusation is the principal thing, and the trial or determination of the truth or falsehood of the accusation the mere *incident*—a proposition almost offensive to common sense, and yet necessary to be supported before his argument can have any weight.

In England, it has been decided that where a statute authorizes a trial in a different county, the grand jury of course acquire the right to investigate the complaint.—(1 Chitty C. L. 259.) Why of course? Because that investigation is an antecedent incident, necessary to a trial. And it is worthy of remark, that most of the statutes of this description use the words "hear, try, and determine," or others analogous, without referring to the indictment in express terms, including it only as an incident. I will not trouble the court in pursuing the attorney in his curious disquisition on the subject of outlawry, as I am at a loss to discover how the right to punish a man for contempt of the king's authority, no matter how severe the punishment may be, could confer upon the court the right to declare him guilty of an accusation of murder without trial, and convert the accusation into the principal, and the trial into the incident. Under these considerations, and for these reasons, I submit to this honorable court that the motion in arrest of judgment, filed by the prisoner in this cause, ought to prevail.

SAM'L Y. ATWELL.

[Mr. Atwell not having yet arrived, the court adjourned until 2 o'clock, p. m.]

TUESDAY AFTERNOON, *June 24, 1844.*

The court met as usual. Mr. Dorr brought in.

Mr. Atwell having arrived, and being present in court, asked and obtained leave to add a few words to the written argument read in the morning in his behalf by his friend Mr. Turner, giving his severe and continued illness as an apology for the brevity and condensed shape in which that argument appeared. He then, in a speech of a little more than twenty minutes, and by one of the most brilliant efforts of his powerful mind, reviewed the whole subject of jury trials, eulogizing the institution, and portraying in the most eloquent and impassioned terms, the consequences of innovations on its sanctity. It is to be regretted that even an outline of it cannot be furnished.

The court, after a very brief consultation, overruled the motion in arrest of judgment: whereupon

*Blake*, attorney general, moved for sentence.

*Atwell* moves the court that sentence be suspended until a bill of exceptions to the ruling of the court on the question of State treason can be



prepared and tendered for allowance by the court, with a view to suing out a writ of error from the Supreme Court of the United States.

The court grant for that purpose until to morrow morning at 9 o'clock, and adjourn accordingly.

TUESDAY MORNING, *June 25, 1844.*

The court met in the town hall, (the State-house, in which the court usually sit, being occupied by the legislature.) Mr. Dorr brought in.

*Blake*, attorney general, renews his motion for sentence.

*Durfee, Ch. J.*—Mr. Clerk, ask the prisoner at the bar if he has anything to say why sentence should not now be pronounced against him.

*The clerk.*—Thomas Wilson Dorr, I am directed by the court to ask you if you have anything to say why sentence should not now be pronounced against you?

*Mr. Dorr* then rose and addressed the court, in substance, as follows.

*Reply of Mr. Dorr to the court, when asked why sentence should not be pronounced upon him.*

The court have, through their officer, addressed to the defendant the usual questions, whether he have anything to say why sentence should not now be pronounced upon him. I have something to say, which shall be brief and intelligible to the court, though it must be necessarily unavailing. Without seeking to bring myself in controversy with the court, I am desirous to declare to you the plain truth.

I am bound, in duty to myself, to express to you my deep and solemn conviction that I have not received at your hands the fair trial by an impartial jury, to which, by law and justice, I was entitled.

The trial has been permitted to take place in a county where, to say the least, it was doubtful whether the defendant could be tried according to the law of the State; and in a case of doubt like this, he ought to have had the benefit of it, especially as the trial here must be in a county to which the defendant was a stranger, in the midst of his most excited political opponents.

All but one of those freeholders (108 in number) who were summoned here for the purpose of selecting a jury to try the defendant, were of the opposite party in the State, and were deliberately set against the defendant with the feelings of partisan hostility. The single democratic juror was set aside for having expressed an opinion. Of the drawn jurors, sixteen in number, two only were members of the democratic party; and one of them for cause, and the other for alleged cause, was removed.

Every one of the jury finally selected to try the defendant was, of course, a political opponent. And even as so constituted, the jury were not permitted to have the whole case presented to their consideration. They were not—as in capital, if not in all criminal cases, they are entitled to be—permitted to judge of the law and of the fact. The defendant and his counsel were not permitted to argue to the jury any matter of law.

The court refused to hear the law argued to themselves, except on the question whether treason be an offence against a State or against the United States.

The court refused to permit the defendant to justify himself by proving the constitution, the election, and the authority under which he acted; or

to permit him to produce the same proofs, in order to repel the charges of malicious and traitorous motives made in the indictment, and zealously urged against him by the counsel for the State.

By the charge of the judge, the jury were instructed that the only question which they had to try was, whether the defendant intended to do the acts which he performed,—a question of capacity, rather than of motives and intentions.

It is true that the jury were absent more than two hours; but not for deliberation. One of them was asked, immediately after the verdict was delivered and the jury was discharged, whether they had been detained by any disagreement. He replied, "We had nothing to do. The court had made everything plain for us."

On hearing a bill of exceptions to the verdict thus rendered, the court promptly overruled all the points of law.

The court also denied to the defendant an opportunity of showing to them that three of the jurors, before they were empaneled, manifested strong feelings, and had made use of vindictive and hostile expressions against him personally, after the defendant had established by his affidavit the fact that he was not informed of this hostility of feeling and expression before they were empaneled, and, with regard to two of them, before the verdict was rendered. The defendant expected to prove, by twelve witnesses, that one of these jurors had expressed a wish to have the defendant put to death, and had declared, shortly after the verdict, to a person inquiring the result, that "he had convicted the defendant, and that this was what he intended to do;" that another juror had also declared that the defendant ought to be executed; and that the third had frequently made the same declaration, with a wish that he might be permitted to do the work of an executioner, or to shoot him as he would a serpent, and put him to death.

Nor would the court permit the defendant to show, by proofs, which he declared on oath to have been unknown to him at the time of the empanneling of the jury, that an array of twelve men summoned on *venire* by a deputy sheriff, were (or a considerable part of them, at least) the same persons who had been selected by an attorney of this court, who assisted the officer in the service of the summons.

These, and other matters which I will not stop to enumerate, show that this trial, which has been carried through the forms of law, was destitute of the reality of justice, and was but a ceremony preceding conviction. That there is any precedent for it, in the most acrimonious period of the most excited party times in this country, I am not aware from any examination or recollection of its political history.

In a trial of an alleged political offence, involving the feelings of the whole community, and growing out of a condition of affairs which placed the whole people of the State on one side or the other of an exasperated controversy, the strictest and most sacred impartiality should have been observed in the most careful investigation both of law and fact by the jury, and in all the decisions and directions of the court. In what case should they have been more distrustful of the political bias of their own minds, more careful in all their deliberations, more earnest in the invocation of a strength above their own, that they might not only appear to be just, but do justice in a manner so above all suspicion, that the defendant, and all those with whom he is associated, might be satisfied that he had had his

day in court, and that every requisition of the law had been observed and fulfilled. In how different a spirit were the proceedings of this trial conducted! And with what emotions must the defendant have listened to the declaration of one of your honors, that "in the hurry of this trial" they could not attend to the questions of law, which he so earnestly pressed upon their immediate consideration, as vitally important to the righteous determination of his case!

The result of this trial, which your sentence is about to proclaim, is the perpetual imprisonment of the defendant, and his seclusion from the face of society, and from all communication with his fellow-men.

Is it too much to say that the object of his political opponents is the gratification of an insatiable spirit of revenge, rather than the attainment of legal justice? They are also bent upon his political destruction, which results from the sentence of the court, in the deprivation of his political and civil rights. They aim also at a social annihilation, by his commitment to that tomb of the living, from which, in ordinary cases, those who emerge are looked upon as marked and doomed men, to be excluded from the reputable walks of life. But there my opponents and persecutors are destined to disappointment. The court may, through the consequences of their sentence, abridge the term of his existence here; they can annihilate his political rights; but more than this they cannot accomplish. The honest judgment of his friends and fellow citizens resting upon the truth of his cause, and faithful to the dictates of humanity and justice, will not so much regard the place to which he is consigned, as the causes which have led to his incarceration within its walls.

Better men have been worse treated than I have been, though not often in a better cause. In the service of that cause I have no right to complain that I am called upon to suffer hardships, whatever may be the estimate of the injustice which inflicts them.

All these proceedings will be reconsidered by that ultimate tribunal of public opinion, whose righteous decision will reverse all the wrongs which may be now committed, and place that estimate upon my actions to which they may be fairly entitled.

The process of this court does not reach the man within. The court cannot shake the convictions of the mind, nor the fixed purpose which is sustained by integrity of heart.

Claiming no exemptions from the infirmities which beset us all, and which may attend us in the prosecution of the most important enterprises, and, at the same time, conscious of the rectitude of my intentions, and of having acted from good motives in an attempt to promote the equality and to establish the just freedom and interest of my fellow-citizens, I can regard with equanimity this last infliction of the court; nor would I, even at this extremity of the law, in view of the opinions which you entertain, and of the sentiments by which you are animated, exchange the place of a prisoner at the bar for a seat by your side upon the bench.

The sentence which you will pronounce, to the extent of the power and influence which this court can exert, is a condemnation of the doctrines of '76, and a reversal of the great principles which sustain and give vitality to our democratic republic, and which are regarded by the great body of our fellow-citizens as a portion of the birthright of a free people.

From this sentence of the court I appeal to the people of our State and



of our country. They shall decide between us. I commit myself, without distrust, to their final award. I have nothing more to say.

*Chief Justice Durfee*, after a few remarks, in which he observed that the matters stated by the prisoner had all been considered by the court; that the court had been swayed by no political motives, and had been governed in their proceedings by the law of the land; and that, in consequence of the terms of acquaintance which had existed between himself and the prisoner, he now discharged with regret this last duty which the law imposed upon him; then said: Listen, Thomas Wilson Dorr, to the sentence of the court; which is, "that the said Thomas W. Dorr be imprisoned in the State prison, at Providence, in the county of Providence, for the term of his natural life, and there kept at hard labor in separate confinement."

As soon as the sentence had been passed, *Atwell* read and tendered to the court, for allowance and signature, a bill of exceptions for a writ of error, as follows:

*Bill of exceptions for a writ of error from the Supreme Court of the United States.*

NEWPORT, ss:

*Supreme Court, March term, 1844.*

*Twenty first day—June 25, 1844.*

Samuel Y. Atwell, esq., of counsel for prisoner, moves the court for leave to file a bill of exceptions against the ruling of the court during trial, "That treason might be committed against a separate State," and that the court allow and sign the same.

The court order the bill of exceptions to be entered on the minute book.

Be it remembered, that upon the trial of the aforesaid indictment, upon issue joined before the jury duly empaneled to try the same, it was contended, in behalf of the defendant, that, under the constitution and the laws of the United States, the crime of treason against a State could not be committed against a separate and several State of the Union, but against the United States only; and that the statute of Rhode Island, passed January, 1838, entitled "An act concerning crimes and punishments," chapter first, for defining and punishing treason against the State of Rhode Island and Providence Plantations, is repugnant to the constitution and laws of the United States. And it was also further contended that the defendant could not be tried and punished by said court for the crime of treason against the State of Rhode Island and Providence Plantations, by reason of the exceptions contained in the third section of the third article of the said constitution of the United States, and requested the court so to instruct the jury; which the court then and there refused to do, and on the contrary did instruct the said jury that the said crime of treason might be committed against a separate and individual State, and could well be tried and punished as such; to which refusal of the court so to instruct the jury as prayed for, as well as to the instruction so as aforesaid given by the court to the jury, the defendant excepting, prayed the exceptions to be allowed by the court. And after the said instructions were so refused and so given as aforesaid, the jury withdrew, and afterwards returned their verdict of guilty against the defendant. And as inasmuch as the several matters of law insist-

ed on, and objected to on the part of the said defendant and his counsel in manner aforesaid, do not appear by the record and verdict aforesaid, the counsel for the defendant did then and there propose the aforesaid exceptions to the said refusals and opinions of said court, and requested them to put the seal of said court to this bill of exceptions, containing said several matters so urged and so refused as aforesaid.

NEWPORT, *sc* :

CLERK'S OFFICE, SUPREME COURT.

I hereby certify that I have compared the above and foregoing copy of the bill of exceptions, with the original entered on the minute book of said court, and found the same to be a true and correct copy of the same.

In witness whereof, I, William Gilpin, clerk of said court, have hereunto set my hand and affixed the seal of said court, this thirty-first day of July, in the year of our Lord one thousand eight hundred and forty-four.

WM. GILPIN, *Clerk*.

Upon a suggestion from the court, an alteration was made in the bill of exceptions at the bar; and, after a short discussion between the bench and the bar, whether, without a bill of exceptions signed, the record did not of itself show sufficient matter to take the case by writ of error up to the Supreme Court of the United States, the court ordered the bill to be entered on the minute book of the court.

Mr. Atwell then moved the court to suspend the execution of the sentence, in order to await a decision of the case by the Supreme Court of the United States upon a writ of error. The defendant, by the imprisonment which the sentence imposed, would be disabled from prosecuting his suit.

*Durfee Ch. J.*—The court have no power to suspend the execution of the sentence; it can only remain for the officer, the sheriff, to carry into effect the judgment of the law.

The prisoner was then remanded, and the court adjourned until the next regular term.

On Thursday afternoon, June 27th, Mr. Dorr was removed by the sheriff of Newport county, from the county jail in Newport, and committed to the State's prison, in the city and county of Providence, pursuant to sentence.

*Affidavit of Lieutenant H. N. Tracy.*

[See first reason for prisoner's motion for new trial, page 1000.]

I, Horatio N. Tracy, of the town and county of Newport, of lawful age, on solemn oath, do depose and say: That I am well acquainted with William L. Melville, jr., of Newport, and have been so for ten or a dozen years. In the latter part of July, or first of August, 1843, I was one evening at Mr. Nicholas Hazard's; I saw Mr. Melville there; when I went in, the conversation related to the indictment of Dorr for treason. Melville said that he was guilty and ought to be hung, and that he would like the privilege of being hangman. I asked him if he would dare to say this in the presence of Dorr himself. He said he would, and anywhere else. There were a good many present. I think that Hazard, and Edward, and Deakon, were there; I can't recollect anybody else. Melville spoke coolly, and did

not appear under any excitement. The conversation was not more than usual excited. Some time in the month of February last—in the fore part of February, I should think—I called in Mr. Melville's shop on business, and went into his back work-shop. While there, the conversation came up in relation to the trial of Dorr. Melville said that "you suffrage men are all bad men and ought to be hung, and Dorr with the rest;" or words to that effect. There were some two or three present; I don't recollect who they were. Melville was good humored and smiling at the time, and pleasant, and talked as if he was in earnest, and I could not then believe him to be sincere. I don't recollect having any other conversation with him on the subject. My recollection was drawn to these conversations by hearing the attorney general ask other jurors questions as to guilt or innocence. I expressed my surprise to Mr. Hazard at the time.

HORATIO N. TRACY.

NEWPORT, *sc.*:

Then personally appeared before me, Horatio N. Tracy, and, after being sworn, gave the foregoing deposition, which was by me reduced to writing in his presence, and by him signed in mine.

WILLIAM GILPIN, J. P.

NEWPORT, May 13, 1844.

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*Extracts from the court record.*

June 12, 3 p. m.—17th day of the term.—Thomas W. Dorr brought into court. Turner continues argument. "The court rule that no testimony shall be introduced in relation to any expressions made by, or partiality of, jurors."—(See exception No. 1, page 1000.)

18th.—"The court rule that no evidence be introduced on the part of the prisoner to prove that the sheriff made improper return on *venire facias* for jurors."—(See exception No. 4, page 1000.)

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No. 241.

*Proceedings of the United States Senate, on the resolution of Mr. Allen, in relation to the difficulties in Rhode Island.*

MONDAY, April 18, 1842.

Mr. Allen submitted the following resolution; which having been read, was ordered to be printed:

*Resolved*, That the President of the United States be requested to communicate to the Senate all information in his possession, or which has been communicated to him, either verbally or in writing, whether from the governor of the State of Rhode Island, or from persons purporting to act under his appointment, or by his authority or request, or under the authority or request of any or either of the present authorities of that State, civil or military, or purporting to act under the authority, or by the appointment, or at the request of a convention of delegates of the people of that State, or of a committee of any such convention, or purporting to act as the im-



mediate agent or representative of any meeting or assemblage of citizens of that State, relative to proceedings which have taken place, or are in contemplation in that State, with a view to the establishment of a constitutional republican form of government for the people thereof, in the place of the land company charter granted by King Charles II of England, and under which that State has hitherto been governed ; and that he also communicate to the Senate, with that information, all correspondence, proclamations, orders, and proceedings of any character and description whatsoever, which have been taken on the part of the executive Government of the United States touching that matter.

WEDNESDAY, *April 20, 1842.*

On motion of Mr. Allen, the Senate took up for consideration the resolution submitted by him on Monday last, calling on the President of the United States to communicate to the Senate all information in his possession, or which had been communicated to him, either verbally or in writing, relative to the proceedings in the State of Rhode Island, and the nature of the proceedings which have been taken on the part of the executive Government of the United States touching that matter.

Mr. Allen said it had been suggested to him to strike out so much of the resolution as makes a call for the verbal information which may have been communicated to the President. He remarked that the word "verbal" was put in the resolution, because the President's letter to the governor of Rhode Island speaks of and acts on information communicated to him verbally and in writing. But, in order to remove the objection, Mr. A. modified his resolution by striking out the word "verbally" and inserting the words "in print."

Mr. Preston wished to know how the resolution came before the Senate ; it had not been taken up by a vote.

Mr. Wright—It came up in its order.

Mr. Allen—The resolution is before the Senate ; it was taken up on my motion, and has been modified.

Mr. Preston said it seemed to him the resolution called for information upon which there was no possibility of founding legislative action. The President, in such emergencies as the one which has arisen, is bound to act according to a sense of what is right under the constitution. If the information be communicated to the Senate, it seemed to him that Congress could predicate no action at all upon it ; and it might involve some expense. Mr. P. appealed to the Senators from Rhode Island, to know their wishes touching the resolution.

Mr. Simmons said he would like to have the resolution lie on the table till to-morrow, to afford him an opportunity to examine it.

Mr. Allen said he would have no objection to such a course, if the Senator would consent that it should be taken up to-morrow, and then disposed of.

Mr. Simmons could not acquiesce ; that was a matter resting with the Senate.

Mr. Buchanan remarked, that they had better go on with its consideration then, and dispose of it ; but,

On the suggestion of Mr. Allen, the resolution was passed over informally.

FRIDAY, April 22, 1842.

On motion of Mr. Allen, the Senate took up for consideration the following resolution submitted by him on Monday last, viz :

*Resolved*, That the President of the United States be requested to communicate to the Senate all information in his possession, or which has been communicated to him, either verbally or in writing, whether from the governor of the State of Rhode Island, or from persons purporting to act under his appointment, or by his authority or request, or under the authority or request of any or either of the present authorities of that State, civil or military, or purporting to act under the authority, or by the appointment, or at the request of a convention of delegates of the people of that State, or of a committee of any such convention, or purporting to act as the immediate agent or representative of any meeting or assemblage of citizens of that State, relative to proceedings which have taken place, or are in contemplation in that State, with a view to the establishment of a constitutional republican form of government for the people thereof, in the place of the land company charter granted by King Charles II. of England, and under which that State has hitherto been governed ; and that he also communicate to the Senate, with that information, all correspondence, proclamations, orders, and proceedings of any character and description whatsoever, which have been taken on the part of the executive Government of the United States touching that matter."

Mr. Allen wished it to be distinctly understood by the Senate, that, in submitting the resolution, it was no part of his purpose to introduce into discussion there the question which was at issue, and agitating the two parties in the State of Rhode Island ; and that if any discussion should arise, it should not be through his instrumentality. This resolution was a call for information, predicated on an official letter from the President of the United States to the governor of Rhode Island, and was made with a view to ascertain what was the state of facts upon which the President acted, and which produced that letter. The call did not involve the consideration of the matters of controversy in Rhode Island. If, therefore, any discussion should arise on those matters, it would not be through his instrumentality. He wished it to be distinctly understood before the country, that the resolution pointed to executive action, and not to the merits or demerits of the controversy in that State.

Mr. Preston spoke of the impolicy of any action on the subject by the Senate in the present juncture of affairs ; and, for the purpose of avoiding any expression or remark which might lead to a discussion of the merits of the controversy in the State of Rhode Island, he moved to lay the resolution on the table.

Mr. Allen solicited the Senator from South Carolina (Mr. Preston) to withdraw the motion ; but he refused.

Mr. A. demanded the yeas and nays on the motion ; which were ordered.

Mr. Calhoun remarked that the subject was a grave one ; and he thought it would be more discreet, before taking any action upon it, to wait a few days, when, he doubted not, the whole of the facts would be developed.

The question was then taken on laying the resolution on the table, and decided in the affirmative—yeas 24, nays 13.

*Yeas*—Messrs. Archer, Bagby, Barrow, Bates, Berrien, Calhoun, Choate, Clayton, Conrad, Crittenden, Cuthbert, Evans, Graham, Huntington, King,

Mangum, Miller, Phelps, Porter, Preston, Simmons, Smith of Indiana, Sprague, and Tallmadge—24.

*Nays*—Messrs. Allen, Benton, Buchanan, Fulton, Henderson, Linn, McRoberts, Smith of Connecticut, Sturgeon, Tappan, Wilcox, Wright, and Young—13.

WEDNESDAY, *April 27*, 1842.

Mr. Allen remarked that it would be recollected that he, some time since, submitted to the Senate a resolution, calling upon the President of the United States to report to the Senate all the information which had been communicated to him as to the affairs in the State of Rhode Island, and the facts upon which he had acted. Mr. A. said it was impossible for the Senate to close its eyes to the fact that there exists in that State a condition of affairs verging towards very serious consequences. It was also impossible for the Senate to close its eyes to the fact that the President of the United States has, to some extent, interposed the executive power between the two parties in that State, and has thus interfered with a question of State policy. The Senate must be aware, from its knowledge of the state of facts existing in Rhode Island, of the danger of collision between the two parties of the community in that State; and the question which is submitted to the Senate is, whether or not, Congress being in session, and having a full knowledge of the state of affairs so critical as these—

Mr. Preston here interrupted the Senator from Ohio, and rose to a point of order.

Mr. Allen—I was going to submit a motion to the Senate. The Senator will make his point of order.

Mr. Preston—My point of order is, that there was nothing before the Senate upon which to found debate. The Senator's remarks are, therefore, not in order.

Mr. Allen said he was prefacing with a few remarks a motion which he intended to make; and, whatever might be the rules upon the subject, the practice and courtesy of the body justified the course which he was pursuing. He, however, remarked that it was no part of his intention to go into a discussion of the condition of affairs in the State of Rhode Island. He had only a few more remarks to make when he was interrupted, preparatory to submitting his motion.

Mr. Preston said he would not violate any rule of courtesy; but, having listened to the Senator, and conceiving that he was going into a discussion at large of a delicate subject, it was his opinion that the violation of order was clear, not knowing that it was the intention of the Senator to submit a motion. Besides, there was nothing before the Senate; if there was, it would be another question. Although the utmost latitude in debate was generally permitted, he had heretofore intimated, and he would now repeat, that in relation to the state of things in Rhode Island, he was so exceedingly averse to discussion, that he would invoke the aid of every rule of the Senate that would exclude debate.

Mr. Allen said he had announced his intention to submit a motion to the Senate on which they could act, and not with a view to make a speech on a barren waste. The proposition was this: whether, in the existing state of affairs, (which the Senate knew to exist,) that body would remain inert, inattentive, and careless, whilst the Executive of the United States was pursuing a course which was calculated to make this Government a party



to a civil war? To say that Congress must wait till collision takes place, was to say that Congress must do nothing with the matter—which might lead, in consequence of the President's action, to a civil war. Now he wished Congress to take action before the evil should arise; and to prevent the evils that might arise in consequence of the action of the Executive, his object and desire were to call up the resolution submitted by him, and to have it passed, so as to enable the President of the United States to give to Congress the state of facts upon which he had acted, and to show to what extent he had acted. He made the motion, that the sense of the Senate might be given on that motion, whether the Executive had a right to do that which was calculated to produce civil war; and, at the same time, whether Congress was to remain entirely inert and inattentive, and thus allow the President to act. Mr. A. concluded by moving to take up the resolution; and on that motion demanded the yeas and nays.

Mr. Preston moved to lay the motion on the table.

Mr. Allen demanded the yeas and nays on that motion.

Mr. Sevier asked if the motion to lay on the table was in order.

Mr. Archer inquired whether it was a question to take up the resolution which was on the table?

The Chair—Yes.

Mr. Sevier again inquired whether it was in order to move to lay on the table a motion to take up a resolution which was already on the table.

The Chair decided the motion to be in order.

Mr. Linn—Then, if that motion is in order, I move to lay on the table the motion of the Senator from South Carolina, [Mr. Preston,] to lay the motion of the Senator from Ohio [Mr. Allen] on the table.

The Chair decided that motion to be out of order.

Mr. Linn then made that a point of order.

Mr. Calhoun hoped the Senate would indulge him in a few remarks.

Mr. Preston objected.

Mr. Calhoun—Then I will vote against the motion to lay the motion of the Senator from Ohio [Mr. Allen] on the table.

Mr. Preston now inquired of the Chair, whether it was in order to debate the motion to take the resolution up from the table.

The Chair replied that it was not.

Mr. Preston—Then I withdraw the motion to lay the motion of the Senator from Ohio on the table.

The question now recurring on the motion to take up the resolution, the yeas and nays being demanded, were ordered.

Mr. Calhoun again desired to be indulged in a few remarks, but objection was made.

Mr. Sevier called for the reading of the resolution; and it was read as follows:

*Resolved*, That the President of the United States be requested to communicate to the Senate all information in his possession, or which has been communicated to him, either verbally or in writing, whether from the governor of the State of Rhode Island, or from persons purporting to act under his appointment, or by his authority or request, or under the authority or request of any or either of the present authorities of that State, civil or military, or purporting to act under the authority, or by the appointment, or at the request of a convention of delegates of the people of that State, or of a committee of any such convention, or purporting to act as the im-

mediate agent or representative of any meeting or assemblage of citizens of that State, relative to the proceedings which have taken place, or are in contemplation in that State, with a view to the establishment of a constitutional republican form of government for the people thereof, in the place of the land company charter granted by King Charles II of England, and under which that State has hitherto been governed; and that he also communicate to the Senate, with that information, all correspondence, proclamations, orders, and proceedings of any character and description whatsoever, which have been taken on the part of the Executive Government of the United States touching that matter."

The question was had, and the Senate refused to take up the resolution on yeas and nays, as follows—yeas 18, nays 20:

*Yeas*—Messrs. Allen, Archer, Bagby, Buchanan, Calhoun, Fulton, Henderson, Linn, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wilcox, Williams, Woodbury, Wright, and Young—18.

*Nays*—Messrs. Barrow, Bates, Bayard, Choate, Clayton, Conrad, Cuthbert, Evans, Graham, Huntington, Kerr, Mangum, Phelps, Porter, Preston, Simmons, Smith of Indiana, Sprague, White, and Woodbridge—20.

Mr. Allen gave notice that he would on to-morrow morning renew the motion to take the resolution from the table.

THURSDAY, April 28, 1842.

Mr. Allen moved to take up his resolution, calling on the President of the United States for information of the state of facts touching the difficulties in Rhode Island, and on which he founded his letter to the governor of that State.

Mr. Huntington hoped the Senate would not take up the resolution.

Mr. Preston demanded the yeas and nays on the motion to take the resolution up; which were ordered.

Mr. Calhoun understood that information had been received by the Executive that there was some prospect of a pacific arrangement of the difficulties; and he could not, therefore, vote for the motion.

Messrs. Preston and Sprague also had such an understanding.

Mr. King asked the Senator from South Carolina to state what was the nature of the information.

Mr. Preston was understood to say that the information was, in general terms, that a pacific arrangement was about to be made.

The question was then taken on the motion to take up the resolution; and it was disagreed to, on yeas and nays, by a vote of yeas 9, nays 28.

SATURDAY, April 30, 1842.

Mr. Allen desired that his resolution calling on the President of the United States for information of the state of facts touching the difficulties in Rhode Island, and on which he founded his letter to the governor of that State, should be taken up and passed upon. The information could be obtained from the President, and without a word of debate. If the Senate persisted in refusing action on the resolution, he should feel bound, by a sense of duty, to present the question in another form. He could not abandon the intention of calling out the information. Therefore, for the purpose of testing the sense of the Senate, he moved to lay the bill (then under consideration) on the table, for the purpose of submitting a motion to take up the resolution.

The question was put, and decided in the negative.

MONDAY, *May 2, 1842.*

Mr. Allen remarked that he had heretofore introduced a resolution calling on the President of the United States for information of the state of facts touching the difficulties in Rhode Island, and on which he founded his letter to the governor of that State. The several motions he had submitted heretofore to take this resolution from the table, and to have it adopted, were voted down. In order to show the propriety now of action on that resolution—the peculiar propriety of its adoption—he would state to the Senate what he had understood to be the fact, from various sources which could be relied on, and which he believed was true.

Mr. Preston here rose to a question of order, whether the Senator could make allusion to the affairs in Rhode Island on a motion to take a resolution from the table, which motion itself was not debatable.

Mr. Allen did not wish to debate the condition of affairs in Rhode Island, but merely wished to state a fact, derived from an unquestionable source, as an additional reason why the resolution should be taken up and adopted.

Mr. Preston persisted in his point of order.

Mr. Allen then submitted his motion to take the resolution up from the table, and demanded the yeas and nays on it; which were ordered.

The Clerk here proceeded to call the roll; and when the name of Mr. Allen was called—

Mr. Allen rose, and, without responding to the call, wished to test the sense of the Senate whether it was not in order for him to state a fact which came to his knowledge within the last thirty-six hours, (which, if true, and of which he had no doubt, would shake this country to its foundation,) and which would go to show, conclusively, that the motion to take the resolution from the table ought to be adopted. He submitted this point of order, founded on the objection of the Senator from South Carolina, [Mr. Preston,] for the decision of the Chair.

The Chair decided that the yeas and nays having been ordered on the motion to take the resolution from the table, the Senator could not recur to the point of order raised by the Senator from South Carolina, [Mr. Preston,] and demand a decision of the Chair on that question; that should have been done before the yeas and nays were ordered.

Mr. Wright took an appeal from the decision of the Chair. This appeal was argued at great length by Messrs. Wright, Allen, King, and Woodbury, who contended that there was no rule of the Senate to sustain such a decision of the Chair; but that the courtesy of the Senate had always gone farther—that it had gone so far as to permit Senators to debate a question, even after a response had been made to the call of the Secretary on taking the yeas and nays. They maintained that the practice of the Senate had invariably been to permit a Senator to give his reasons before a response to the call of the Secretary.

Mr. Preston maintained that the decision of the Chair was correct.

Mr. Bayard argued that, whatever had been the practice of the Senate, (which he admitted was against the decision of the Chair,) yet the decision of the Chair was correct, as founded on the rules.

Some difference of opinion arose between the above Senators as to whether the decision of the Chair was not two-fold; whether he did not also decide that it was not in order for the Senator from Ohio to debate the question, on the ground that the motion to take the resolution from the table was not debatable.



Mr. Huntington maintained that such was substantially the decision of the Chair.

The Chair admitted that he had decided, first, that it was not in order for the Senator to make any remarks after the yeas and nays had been ordered, and the Secretary had proceeded in the call; but he modified his decision to cover the ground assumed by Mr. Huntington, as that on which his decision had been founded.

Mr. Wright then withdrew his appeal founded on the Chair's original decision.

Mr. Allen recapitulated the matter, and observed that, when interrupted by the Senator from South Carolina, he was going on to state a fact, or what he believed to be a fact, to show that the motion which he was about to submit was of such consequence that, if adopted, it might save the Government from being embroiled in civil war—

Mr. Preston called the Senator from Ohio again to order.

Mr. Linn rose to ask his friend from South Carolina [Mr. Preston] not to press this rigid mode of proceeding, as it was evident that it would not effect his object. It was in vain to enforce a decision made on a specific occasion by the Senate last session, when political excitement ran so high, as a settled precedent for action upon other occasions. That decision was not only in direct contravention of the long established practice of the Senate for years and years, but in the teeth of all parliamentary rules. The facts of this case cannot be suppressed; and this mode of attempting that object is so contrary to the settled practice and courtesy of the Senate, that he hoped the Senator from South Carolina, [Mr. Preston,] on reconsideration, would see the propriety of withdrawing his point of order.

Mr. Preston observed, that no one was more disposed to yield both to the practice of the Senate, and to the usual courtesy due from one member to another, upon all subjects in themselves properly debatable; but on this subject it had been decided by the Senate, repeatedly, that it was not expedient to debate it, and therefore he pressed the observance of the rule. He was sorry he could not accede to the request of the Senator from Missouri [Mr. Linn.] He felt bound to persist in his point of order.

The President *pro tem.* said that the Chair had been called on for a decision upon this point. The Senator from Ohio had moved to take up the resolution which he had offered some days ago, and offered to state certain facts as a reason for taking the matter up. It was unnecessary for the Chair to go further back than the last session for the decision of this question.

The President *pro tem.* here read from the journal of the Senate, where it had been decided that, upon a motion to take up a subject that had been laid upon the table, the question should be taken without debate.

Mr. Allen desired that the sense of the Senate should be taken as to whether they would now sustain that decision.

It was well known that he had, some time ago, submitted a resolution calling upon the Executive of the United States for information as to the facts in his possession, and upon which he had taken some action, in regard to the affairs of Rhode Island. He held it was not the business of this Government to interfere with the affairs of that State; and his sole object was to obtain information as to the facts upon which the Executive had proceeded. [Mr. Preston here made a point of order, and insisted that the Senator from Ohio had no right to enter into any argument or explanation whatever.]

Mr. Allen: The Senate would perceive that he was illustrating what would necessarily be the effects arising from the decision of the Chair, if that decision were sustained; for it was quite as important, in all such cases, to look to the consequences arising from the decision, as to the decision itself. He had stated what the resolution was, and what was its object; and he had now made a motion to take that resolution up; and, upon making that motion, he had proposed to submit to the Senate a fact, or that which he had reason to believe to be a fact, directly referring to the matter to which the resolution had reference; and he desired to state this fact as a reason which ought to prevail with the Senate to induce them to take it up.

Mr. Preston submitted to the decision of the Chair whether this course was correct.

The Chair responded, that it had been declared by the Senate at the last session, upon the occurrence of a similar question of order, to be incorrect.

Mr. Buchanan rose and remarked, that, in his apprehension, a decision of the Senate upon a point of order was not irreversible; it was not like the laws of the Medes and Persians. They certainly had the power of reconsidering the question, and of determining as to the right of debating a subject upon a motion to take up that subject. Courts of justice often reversed their own decisions. He thought that reason and common sense dictated that the decision of the Senate upon that point of order should be reversed; and if the Senator had an extreme case to state, he should most assuredly be permitted to do it argumentatively, to show that the decision of the Senate would be destructive of the interests of the country.

Mr. Merrick inquired whether, if the decision of the Chair were sustained, the gentleman would be restrained from proceeding?

Mr. Allen observed, that he did not consider that he would be entirely precluded. The decision of the Chair was calculated to circumscribe the range of his observations, but not to prohibit him from adducing arguments altogether. In his view, the decision was entirely wrong; it was wrong to prescribe to a Senator what arguments he should use, and what he should not use. By doing so, the very strongest and most forcible reasons which he had to adduce might be excluded. What was the object of the appeal? It was to enable the Senate to review the decision of the Chair; and in order that the Senate might properly review the question, Senators had unquestionably the right to give all the reasons appertaining to the consequences resulting from the decision of the Chair. It was the practice in courts of justice, even upon the most abstruse points of law, for the courts to reconsider and reverse their decision; but it would be absurd to say that counsel should not be allowed to illustrate the justice or injustice, the good or evil consequences, resulting from the decision against which he contends. He should say very little more. He had already stated that it was the object of the resolution to prevent an interference in the affairs of Rhode Island.

Mr. Merrick said he understood the Chair to have decided that it is not in order to discuss the subject of the resolution.

Mr. Allen: The Chair decided that the remarks I made were not in order. Very well; I am willing to consider them out of order; and I now propose to offer some other remarks. It was well known to every Senator that the resolution had reference to the affairs of Rhode Island. He had proposed to state only what the Senate knew perfectly well already, in order to show the propriety of taking up the resolution, and acting upon it. The



whole country had been put in possession of the fact, that the President of the United States had taken some action in reference to Rhode Island. He was merely going to mention the fact, that he had ordered a part of the standing army to proceed to that State, and that they were now on the way—three companies of the United States troops having passed through Baltimore yesterday, from Old Point Comfort, as a report goes, on their way to Rhode Island.

Mr. Preston again insisted upon his point of order. The gentleman had stated his fact, in spite of the decision of the Chair; and he now demanded that the decision be enforced.

Mr. Allen: The question is upon the appeal from the decision of the Chair. Let that question be taken, and let it be determined whether the motion to take up a subject shall be debated or not.

Mr. Archer observed, that as the gentleman had attained his point by a notorious breach of order, and had made his statement in spite of the Chair's decision, the appeal would be of but little use. He thought, if the gentleman would consider the matter, he would see the propriety of withdrawing the appeal.

Mr. Allen: I will consider what the Senator says when it becomes considerable. The originating of the point of order, or the debate itself, is not attributable to me. When I first offered the resolution, I stated positively and unequivocally that I would not say one word upon its passage; and sat down with that determination, when a motion was made to lay the resolution on the table. If, therefore, there has been a violation of order, it cannot be laid at my door; but I shall continue to believe that the Senate will be inexcusable if they sit quiet and allow the Executive to march an army into the State of Rhode Island.

Mr. Calhoun did not rise to discuss the question of order, but merely to state the grounds upon which he should vote. He believed that the decision of the Chair was utterly wrong, and in the face of all parliamentary rules. He believed that the question to take up a resolution was discussible, according to the rules of parliamentary practice; and he would therefore vote according to what he conceived to be the true parliamentary practice.

Mr. Buchanan said he did not profess to be at all acquainted with the rules of this body; but he believed that uniform courtesy which had prevailed among its members was the very best rule which could be adopted. They had brought themselves into the existing difficulties by attempting to suppress the discussion of a subject which must inevitably be discussed. It was utterly impossible that its discussion could be avoided. It demands the attention of the Senate and the country. He was sorry that they had succeeded in stifling the discussion at the time when it should properly have been considered; for he believed the disastrous scenes which had since occurred might have been prevented.

There was certainly a plain and palpable distinction between entering into an argument and merely making the statement of a simple fact. If he (Mr. B.) could rise in his place and conscientiously declare that he believed a civil war would be the consequence of refusing to take up and consider a given subject, he certainly thought it would be an arbitrary decision if he was refused permission to make the statement. If he were to receive information of facts which had transpired since the introduction of the subject to the notice of the Senate, which led him to believe that, by taking up the subject and acting upon it, a civil war might be prevented, would such



an announcement be out of order? He believed the decision of the Chair was wrong, and he would therefore vote to reverse it.

The discussion on the point of order was further continued by Messrs. Smith, of Connecticut, Young, Woodbury, Buchanan, and Allen, in support of the appeal; and by Messrs. Merrick, Simmons, Preston, Archer, and Huntingdon, in support of the decision of the Chair.

The question was taken, and the decision of the Chair was sustained.

The question then recurred on the motion to take up the resolution; upon which the yeas and nays were ordered.

Mr. Allen said the Senator from Alabama [Mr. King] had suggested a modification of his resolution; to which he was disposed to accede, so far as to retain the substance of the inquiry, and, at the same time, render it unobjectionable; so that the resolution could be taken up and adopted without further discussion.

Mr. Calhoun: Do I understand the Senator to offer his modified resolution now?

Mr. Simmons objected to any modification before the resolution was taken up, on the ground that, if the resolution was before the Senate in any form, he would have to make the explanation promised on a former occasion. He could not, therefore, be a party to any promise not to debate the matter.

Mr. Calhoun differed from the Senator from Pennsylvania [Mr. Buchanan] as to the propriety of entertaining a discussion on the affairs in Rhode Island. He thought the danger was in debating the matter, thereby producing an excitement, which was, of all things, to be avoided. That had been his objection to the resolution heretofore. If it had been presented in such a form as to avoid discussion, he would have voted for it cheerfully.

The question was then put on the motion to take up the resolution, and decided in the negative, on yeas and nays, as follows:

*Yeas*—Messrs. Allen, Benton, Buchanan, Fulton, King, Linn, McRoberts, Smith of Connecticut, Sturgeon, Tappan, Wilcox, Williams, Woodbury, Wright, and Young—15.

*Nays*—Messrs. Archer, Bagby, Barrow, Bates, Bayard, Calhoun, Choate, Clayton, Conrad, Crafts, Crittenden, Cuthbert, Evans, Graham, Huntington, Merrick, Miller, Morehead, Porter, Preston, Rives, Simmons, Smith of Indiana, Southard, Sprague, Tallmadge, White, and Woodbridge—28

TUESDAY, May 17, 1842.

Mr. Allen moved to take up the resolution which he had heretofore offered in relation to Rhode Island, and which had been laid on the table several days ago.

Mr. Huntington observed that this resolution had been already laid on the table by a very decided majority of the Senate, where it was desired it should remain. It was quite unexpected, after it had lain on the table so many days, that a motion should now be made to take it up. He hoped the motion would not prevail. He called for the yeas and nays, which were ordered.

The question was then taken by yeas and nays, and resulted in the negative, as follows:

*Yeas*—Messrs. Allen, Benton, Buchanan, Fulton, King, Linn, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wilcox, Williams, Woodbury, and Wright—15.

*Nays*—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate,

Clayton, Conrad, Crafts, Crittenden, Evans, Graham, Henderson, Huntington, Mangum, Merrick, Miller, Morehead, Simmons, Smith of Indiana, Tallmadge, and Woodbridge—23.

Mr. Allen said he proposed, before he sat down, to submit two other resolutions; and, in doing so, he would offer to the Senate some reasons upon which those resolutions were founded. He believed this had been the habitual practice in the Senate; and he hoped that, in this case, he would not be prevented from following the same practice. He would read, in the hearing of the Senate, the resolutions which he proposed to offer, in order that the Senate might judge of their propriety. He found upon the files of the Senate a document containing a series of resolutions passed by the legislature of the State of Rhode Island, by which the governor of that State was requested to inform the President of the United States, and the two Houses of Congress, that a new system of government had been adopted in that State, and was now in full operation. It had, therefore, been brought officially to the notice of the Senate that the people of Rhode Island had adopted a constitutional form of government, and that that government is now in full operation. This communication left the Senate no alternative; they could not close their eyes to the fact that there were, at this time, two governments in actual existence within that State—one of which must be right, and the other wrong. In this state of affairs, the President of the United States had assumed to himself the power and authority of deciding this vital and momentous question, by pledging himself to support the old form of government established under the charter granted by Charles the Second, and against that government determined upon and adopted by the people. This being the state of the facts, it was a question of propriety and of power with the Senate to take into consideration—when informed of these facts by authority, real or pretended, of the State of Rhode Island, and knowing the course which the President of the United States had taken in the matter—whether it was consistent with the duty which they owed to the constitution of the country to remain quiet spectators of a civil war, in which the powers of the Federal Government were to be brought to bear against the constitution which the people had formed for themselves, and in support of that charter which had been rendered null and void by the American Revolution, and under which, since the period of the Revolution, that State had no right to exercise the functions of an integral portion of this Union, of a sovereign State, or to send Senators or Representatives to this Congress. They had no more right to take part in the legislation of this Union than they had to sit and legislate in the British Parliament. Sir, said Mr. A., the question is one of serious import. More—ininitely more—important is it than any question of a bank, a tariff, or any question of national policy which can arise under our form of government. It is a question upon which rests the whole system of the civil government of this country, and of the civil liberties of its people. The President of the United States has undertaken to decide the question for the American people—and that, too, against the people themselves. Well, sir, I said, and I repeat it, and it is with no unkind feelings towards any one—for reasons for such feeling I have none, but for the contrary feeling I have many; but to illustrate the bearing of a great truth—a truth which has shaken the globe itself, and which I hope will continue to govern the world as long as it continues its revolutions upon its axis. I say again, there was no constitutional form of government in Rhode Island, by which that community could be considered



to be properly a member of this Union, until the constitutional form of government was framed and established, and brought into being on the 3d of May, 1842.

Sir, what is the state of this matter? The old thirteen States of this confederacy consisted of what were, prior to 1776, the thirteen colonies of Great Britain, of which Rhode Island and Providence Plantations was one. A revolt took place among the colonies; that revolt assumed the form and bore the aspect of a war; as such, it was prosecuted to its final, its successful, its glorious termination. This war was so begun, prosecuted, and ended, with the express view on the part of the colonists of absolving themselves, in the language of the declaration of independence, from all allegiance to the throne of Great Britain. The war was successful; American independence was purchased by American blood. All political connexion with Great Britain ceased to exist, and it was made an essential part of that instrument by which the States were declared free, that they were to be considered also sovereign and independent. To this declaration the State of Rhode Island stands pledged, because that declaration was necessarily submitted to, and confirmed by, the legislature of that State.

Yes, sir, the legislature of Rhode Island confirmed that declaration by a solemn resolve, forever absolving themselves from all connexion with, or relation to, British authority. Well, sir, after the State had thus annulled the charter of Charles II of Great Britain, by this revolution and this declaration, where did they obtain their right to have a government independent of the people in whom, by the new constitution of these United States, the sovereignty was vested? The charter did not provide for its own amendment or for its own modification; it was an emanation from the throne of Great Britain, and could only be modified, changed, or in any way affected by the throne itself, or by an act of the British Parliament. And it is the most extraordinary political anomaly that has characterized this extraordinary age, that, sixty years after the annulling of the charter by the Revolution, the President of the American republic is called on to give life and vitality to it again. That charter was predicated upon the allegiance of that community to the British crown; and it existed with the restriction that the laws, rules, and regulations of the governor and company should not contravene the laws and statutes of Great Britain; and that one-fifth of the precious metals to be found in the soil was the property of the British Government, and to be paid into the British treasury. Well, what became of their allegiance to the British Government when they lifted the sword of revolution? It was destroyed; the relation was severed, the charter was dissolved. How was this dissolution effected? By authority of the British crown? No, sir; by the people themselves. And can the British charter be restored by American legislation? No, sir; because it was founded upon the existence of British supremacy. Can the State itself give vitality to the charter? I answer, no; because it would be inconsistent with American independence. And here let me be permitted to say that, inasmuch as it cannot be binding upon the State, it cannot upon any part of the State. If the whole cannot revive it, neither can a majority, and much less can a minority. It would be impossible for the people of Rhode Island, if they were unanimous to a man, to revive it. They are bound to treat it as a dead letter; and this obligation binds the legislature as firmly as it binds the people. If the charter still lives, it is because it is indestructible, and must live forever; and if it does not exist, as I contend,



there results this appalling consequence—that the whole government of the State of Rhode Island, from the Revolution up to the 3d of May, 1842, has been a sheer, a downright, a blasphemous usurpation. Yes, sir, a usurpation; for after the Revolution was accomplished, the charter was dead. The declaration of American independence took place, and the Revolution followed; every thing that was British—every vestige of British power and authority perished. It was entirely cut off from the face of this continent. How, then, has this form of government continued to exist? It could only be in this way: At the time when the Revolution closed, it is probable that the number of those having rights confirmed to them by the charter amounted to a majority of the population, and they were willing that the charter should stand, that they might enjoy the benefits of freeholders, and be the lords and masters of the increasing multitudes by whom the State became speedily populated. There is one peculiarity about this state of things, to which an American cannot close his eyes—that it is an exact inversion of our political institutions. It leaves it in the power of the legislature to declare who shall have the privilege of voting; and, consequently, they may pass a law excluding every one but themselves—perpetuating to themselves and to their descendants the privilege, and excluding all others. The sovereignty is thus vested in the agent, and not in the principal—in the representatives of the people, and not in the people themselves.

Well, sir, under these circumstances, what did the people of Rhode Island gain by the Revolution? They thought they were struggling to exchange British authority for the rights of civil liberty. Yet we see the great body of the people—three-fifths, at least, of the entire population—being disfranchised, left to the remaining two-fifths the power of governing. But we have seen that the people have regenerated the Government—have thrown off this usurpation under which they have so long been deprived of their rights; and I will here ask, by what authority, under this charter, (if it does exist,) do Senators from that State occupy places upon this floor? Does the charter authorize the State to elect Senators to the Congress of the United States? Sir, does the charter authorize a convention of the people of Rhode Island to incorporate that State into the body of the American republic? I presume not, sir. By what authority, then, did they act, when they became a constituent part of this Union? Was it under that charter, granted more than a century before the Revolution—was it by virtue of that charter, under which the majority of the inhabitants were disfranchised, that that State took refuge, like a tempest-tost vessel, and became safely moored in the harbor of the republic? Do you bring the charter into the federal constitution with you? No, sir; the people of the State of Rhode Island adopted, in solemn convention assembled, the federal constitution—the vital elementary principle of civil liberty. It was recognised by all parties. Without this, the State could not have become a member of the Union, because the constitution requires that this shall be done. This was not the work of a party; it was effected by the fathers of the Revolution, who laid down the fundamental law of civil liberty—men whose veins were drained of their life blood in procuring that independence and the enjoyment of that civil liberty for their descendants. What did that convention do? They declared “that there are certain natural rights of which men, when they form a social compact, cannot deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing

and obtaining happiness and safety:" "that all power is naturally vested in, and consequently derived from, the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them:" "that the powers of government may be reassumed by the people, whensoever it shall become necessary to their happiness."

Never was there a declaration stronger or more comprehensive than this made by the sovereign people of the State of Rhode Island. Well, sir, what have they subsequently done? Why, as soon as they got snugly established as a part of the Union, the governor and company of the province effected the resumption of the sovereignty, because there was not popular power enough around them to resist. They resumed the sovereignty, meting out to the people as much right and as much wrong as those sovereign legislators thought proper to mete out. Instead of having their own duties prescribed to them, they assumed the right to prescribe to the people—their lords and masters—how much liberty they should enjoy. Sir, the President of the United States, it seems, is now called upon to sustain this charter of a British monarch. John Tyler is called on to act as Charles II of England would have done, in enforcing this charter—by force of arms. Who ever before heard of an appeal to an American President to support British authority? And I say again, if he has the right to call in the aid of an armed force to sustain that authority, the independence of this country does not exist. Such a proceeding might be tolerated in Canada; but, in relation to one of the States of this Union, the supposition is as ridiculous as it is odious. The President declares that he feels himself bound, and that it is his duty, to employ an armed force, if it becomes necessary, in order to enforce obedience to this usurpation, which has been for half a century in existence in Rhode Island; he will march an armed force of American citizens into that State, in martial array, to shoot down the people, in order to sustain that charter, which it was the main object of the Revolution to destroy. Let him try it! let him try it! The President is a man, and but a man; he is an officer of the Government, and but an officer.

The power which constitutes the President rests neither with this body nor its friends; it possesses a moral force which is superior to either. Let the President undertake to march an army into Rhode Island, to put down the liberties of the people at the point of the bayonet, and he will have done a deed of which his posterity will be ashamed—of which the nation will be ashamed. But, though he threatens to do it, and stands officially pledged to do it, I tell him (as I have told him face to face) that the American people will not permit him to do it. Here is what will test the question, [holding up a placard.] This I look upon as the first flash of indignation from the enraged brow of an angry people; and I warn the President to take notice of the lightning's flash, as being the forerunner of a storm that will cover him with deep disgrace.

Yes, sir, this is a Government of principle, sustained by the sense of the people; and the man who rashly undertakes to put down popular liberty in this country will meet with signal discomfiture. In connexion with my honorable colleague, I have the honor of representing one of the great and glorious States of this Union; and, sir, I can assure you that I speak the feelings of the great body of the people, acting only under the promptings of a bold and heroic magnanimity, when I say that they would be roused—

that they would rally as one man in defence of our glorious liberties, whether invaded by foreign or domestic foes.

I now offer a resolution, which will test the sense of this body upon the vitality of our whole system. I have introduced into it nothing but what has been prompted by a natural impulse of patriotism—nothing but will be responded to by the whole body of my countrymen. Had the Senate acted upon the resolution when it was first offered, the President would have retracted; he would not now have stood pledged; the Government of the people would have gone on; the rights of all would have been protected by the votes of all.

Mr. Preston rose to a point of order. He had refrained from interrupting the Senator for a long time, though he had, from the beginning, transcended not only the rules, but the ordinary license of debate.

Mr. Allen would save the Senator from the necessity of proceeding any further, by informing him that he had risen to his point of order just in the right time, for he (Mr. Allen) had not another word to say, except to submit his resolutions, as follows:

*Resolved*, That it is the right of the people of Rhode Island to establish for themselves a constitutional republican form of State government, and in any particular to alter or modify it, provided its form be left republican.

*Resolved*, That it is not the right of the Federal Government to interfere in any manner with the people, to prevent or discourage their so doing; but that, on the contrary, it is the duty of the Federal Government to guaranty to them, as a State, such republican form of State government, when so established, altered, or modified.

Mr. Simmons observed that he had a few remarks to make in answer to what had fallen from the Senator from Ohio.

Mr. Preston asked if the whole thing had not been irregular, and inquired what was the question before the Senate.

The Chair explained that, in strictness, the question was whether the Senator from Rhode Island should proceed. The Senator from Ohio having gone beyond the mere explanation allowed on the introduction of a resolution, without having been called to order, the Senate could, by general consent, permit the Senator from Rhode Island to proceed.

Mr. King observed that in all ordinary cases, great latitude of debate was allowed; but there were cases in which great inconvenience might arise. When he had voted to take up the resolution, it was under an expectation that the Senator from Ohio would have modified it; and had it been taken up, the resolutions now offered, and the remarks accompanying them, would not have been offered. But all this having occurred, it seemed now as if discussion could not be restrained. It was obvious that such discussion could hardly be kept from excitement. He would, however, suggest to the Senate the obvious propriety of approaching this subject with calmness and moderation.

Mr. Calhoun observed that his vote against taking up the original resolution showed that he had no desire to see the subject agitated in the Senate, as long as it was possible the affairs of Rhode Island would be settled by the people themselves; but it was impossible now to prevent discussion. He hoped it would be permitted to go on, and that the resolutions would be allowed to be presented, and that a day would be appointed for taking them up for debate. He made a motion to that effect.

Mr. Preston concurred with the Senator from South Carolina, [Mr. Cal-



houn,] that the time was come for discussion. He thought the time had come when it was necessary to lay down the principles on which the action of this Government is to be conducted in its relations with the States. He therefore seconded the motion of the Senator from South Carolina to have the resolutions printed, and a day appointed for their discussion.

Mr. Tallmadge had listened to the Senator from Ohio for some time with surprise—the Senate having refused to take up the original resolution. The discussion had been forced upon the Senate quite irregularly; but, as it was permitted to go so far, he would move that the Senator from Rhode Island be permitted to go on; and then, if no one else offered such a motion, he would move to lay the resolutions on the table.

Mr. Allen explained, that when he had experienced a determination on the part of the majority of the Senate to suppress the expression of opinion on the part of the minority, he had taken advantage of a rule of the Senate which justified him in pursuing the course he did. If gentlemen were forced into discussion, it was the consequence of an arbitrary attempt to suppress a free expression of opinion, dictated by a sense of public duty.

Here a general disposition was manifested to allow Mr. Simmons to proceed; and the point of order being withdrawn—

Mr. Simmons made his acknowledgments to Senators who had interposed to obtain him a hearing in reply to the Senator from Ohio. The remarks of that Senator had not excited in him any other feelings than those of surprise. The Senator had proceeded on the assumption that all constitutional law and rule of government should be in writing. Whence did he derive this notion? Not from the country of our origin. With respect to the constitution of Rhode Island, which the Senator from Ohio characterized as dead, and all action under it as blasphemous usurpation, he (Mr. S.) would say that it is—no matter what it may or may not be—the constitution of Rhode Island; and it was not competent for any other State to dictate to that State what its constitution should be. He denied that the charter of its government was such as it had been described by its opponents. The charter fully recognises the form of altering it. The legislature has frequently acted upon that form, and called conventions. It did so when it called the convention which ratified the federal constitution. The people of Rhode Island knew what they were about when they adopted that constitution. Where else were the elements of civil and religious liberty to be found, which had always actuated Rhode Island, but in that charter—the first ever obtained in these colonies? It was these cherished principles of liberty which bound it to the hearts of those who now wished to cherish it. It is contended that the legislature is supported by a minority of the people. This he denied. He maintained there was always a majority entitled to franchise, as large as in any other State. Some regulation was necessary with regard to qualifications of suffrage.

The people of Rhode Island, through their legislature, had fixed their own rules, and no other State or power had any right to interfere. In those rules the State of Rhode Island asked for some particular evidence of the attachment of a citizen to their State, and to the district of his residence, before it granted the franchise. Does not every other State, in some form or other, require the same? They say that, in order to give evidence of this attachment, the citizen must purchase a home to the amount of one hundred and thirty four dollars. The very first act of his own life was to vest the savings of his minority in the purchase of property to entitle him

to this right. It was property which he prized above all others, and which would be the last he should ever part with. This pride gave a peculiar home-feeling and attachment to the people of Rhode Island. But such is the regard which the legislature has for popular rights, that, whenever a number of the people constituting a majority have proposed a change, it has been accorded. On the application of those men who, a year ago, asked the legislature for an extension of rights, the legislature called a convention, at which they had their request accorded. But, instead of patiently waiting till the change was consummated, these men got together and attempted to revolutionize the government; they presented to everybody and anybody their new constitution, without the slightest guard against fraud. It is now the boast of some who signed that constitution, that they did so sixteen or eighteen times. Notwithstanding all this, the convention authorized by the legislature went on and extended the right of suffrage as far as had been required; but the opposite party voted it down with as much energy as if it was to deprive them of suffrage, instead of to increase it. All that the government of Rhode Island requires is, that whatever change may be desired by a large portion of the people may be effected by law, and according to law.

When the Senator from Ohio was reading the declaration of the people of Rhode Island, with regard to the sovereign rights of the people, he (Mr. S.) was in hopes the Senator would have read further, and shown what was the sense of Rhode Island as to what was due to its government. It says that the powers of government may be resumed by the people when necessary; and that any power not delegated to the General Government or Congress, remains with the people or their respective legislatures. He would ask the honorable Senator, where was the power of Congress to declare that any form of government shall be the government of Rhode Island? As to the powers of the legislature of that State not being defined by a written constitution, he would say they were defined in the bill of rights. He would ask the honorable Senator if, instead of Rhode Island being governed by an anti-republican government, it was not the most republican government in the Union? for the people every six months elect their representatives, who are thus checked by the people twice as often as the representatives of any other State. The usage of that people, with respect to many of their institutions, is as republican as in any country in the world. But whether the government of Rhode Island derives its rights from a written constitution or not, he (Mr. S.) denied the right of this Government to dictate to that State what form of government it shall have. He regretted that any disposition should exist to goad on, by handbills, or letters, or other means, any portion of the people of Rhode Island to butcher their fellow-citizens. He said of such men, when he heard of these handbills and letters, that they had no children—no hearts. He had been unexpectedly called up on the present occasion, and was not prepared to do justice to the subject. He enumerated many of the most distinguished patriots of Rhode Island, who had been first and foremost in the struggle for independence, and asked, had not its government been first and foremost on every occasion in evincing a determination to maintain public liberty? He characterized as a new-fangled doctrine that which asserted that the charter of government on which Rhode Island had prospered for two hundred years, had been for fifty years a dead letter, and that all action on it had been blasphemous and damnable usurpation. He maintained that

the principles of that charter could not be improved upon. It was the pride of a little territory, not more than thirty miles square, that the principles of its charter for civil and religious liberty had become the principles of liberty throughout the civilized world. He would conclude by saying that, if the Senator who now decries this charter understood it properly, he would cherish it to his bosom as a treasure beyond price, and value it as the apple of his eye.

Mr. Crittenden asked the Senator from Ohio whether he understood him to say that he had told the President of the United States that he dared not employ the troops of the United States to put down insurrection against the government of Rhode Island?

Mr. Allen explained, that what he did say was, that he had told the President of the United States, face to face, that if he attempted to employ the army of the United States in preventing, by bloodshed, the mass of the citizens of Rhode Island from establishing a republican constitution and government, he would be attempting that which the American people never would permit him to effect.

Mr. Crittenden observed, that, however he might feel bound to take the Senator's own explanation of what he did say, he and the Senators around him had understood the Senator as having stated that he told the President of the United States that he dared not employ the army of the United States to support the government of Rhode Island against insurrection.

Mr. Allen observed that he had already herein stated, in substance, what he had told the President of the United States. If the Senator from Kentucky wanted further information on that point, he could make inquiry of the President himself.

Mr. Crittenden did not choose to ask the President—he asked the Senator himself; and since it had come to that, he would say that the Senator had asserted that he told the President of the United States, face to face, that he dared not, on this occasion, actually employ the army of the United States.

Mr. Simmons asked leave to make a few remarks on a point which did not occur to him when he was addressing the Senate before. He then proceeded, and made some further observations, illustrating that the principles of civil and religious liberty, guaranteed in the charter of Rhode Island, were such as pre-eminently entitled that State to admission into the confederation.

Messrs. Preston and Crittenden, from their seats, expressed a strong wish that the subject might be passed over informally, to be taken up to-morrow morning.

This proposition was agreed to, and the resolutions were ordered to be printed.

WEDNESDAY, *May 18, 1842.*

Mr. Allen observed that his resolutions, under discussion yesterday, was the unfinished business, upon which there was a pending motion to print. The subject was informally passed over yesterday evening, at the request of the Senator from Kentucky, (Mr. Crittenden.) He now moved to take it up.

The resolutions are as follow :

*Resolved*, That it is the right of the people of Rhode Island to establish for themselves a constitutional republican form of State government, and in any particular to alter or modify it, provided its form be left republican.



*Resolved*, That it is not the right of the Federal Government to interfere in any manner with the people to prevent or discourage their so doing ; but that, on the contrary, it is the duty of the Federal Government to guaranty to them, as a State, such republican form of State government when so established, altered, or modified.

The resolutions were accordingly taken up, the question being on the pending motion to print.

Mr. Tallmadge moved to lay the whole subject on the table.

Mr. Allen called for the yeas and nays ; which were ordered.

The question to lay the whole subject on the table was accordingly taken by yeas and nays, and decided in the affirmative, as follows :

*Yeas*—Messrs. Archer, Bagby, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Evans, Graham, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Porter, Preston, Rives, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge.—28.

*Nays*—Messrs. Allen, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Woodbury, Wright, and Young—18.

MONDAY, May 23, 1842.

Mr. Tallmadge rose and gave notice that, when the resolutions heretofore offered by the Senator from Ohio (Mr. Allen) on the subject of the Rhode Island matters came up for consideration, he would offer the following resolutions as a substitute for them, viz :

*Resolved*, That, by the constitution, the United States are bound not only to guaranty to every State in the Union a republican form of government, but also to protect each one of them against invasion, and, upon proper application, against domestic violence.

*Resolved*, That the form of government with which a State came into the Union, and has been recognised and represented as a member of the Union, must be taken and regarded as republican ; and that such State is entitled to all that protection against invasion and domestic violence, which is pledged by the constitution of the United States.

*Resolved*, That the government of a State so coming into and recognised as a member of the Union, can only be changed or superseded, consistently with the principles of our American republics, when it is done in pursuance of, and in the mode prescribed by, the laws of such State ; and that any attempt by force to overthrow that government is disorderly and revolutionary, tending to anarchy and bloodshed, and, in the end, to the destruction of public liberty ; and is such a domestic violence as entitles that State, by her legislature, (or executive, when the legislature cannot be convened,) to apply for and obtain from the United States, protection against the same.

*Resolved*, That the application made by the legislature of Rhode Island (one of the "old thirteen") to the President of the United States for protection against domestic violence, was within the meaning and terms of the constitution ; and that it was the duty of the President to take such preparatory steps as a wise and prudent forecast demanded, and to adopt such efficient measures as are contemplated by the constitution, and the laws made in pursuance of it, for giving such protection.

On motion of Mr. Allen, the resolutions and substitute were ordered to be printed.

TUESDAY, June 21, 1842.

Mr. Allen asked the Senate to take up the resolution submitted by him some time ago, calling upon the President of the United States for information on the subject of the difficulties in Rhode Island, and how far he had interfered by the power of the national Government; and the amendment thereto, submitted by Mr. Tallmadge, asserting the powers and duties of the President, touching insurrectionary movements in the States, and approving the course of the President with reference to the difficulties in Rhode Island.

Mr. A. merely wished these resolutions to be taken up for the purpose of making it a special order for some day next week.

Objection being made, Mr. Allen demanded the yeas and nays on the motion, which were ordered; and, the question being put, was decided in the affirmative—yeas 21, nays 15, as follows:

*Yeas*—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Choate, Crafts, Fulton, King, McRoberts, Merrick, Preston, Sevier, Sturgeon, Tallmadge, Tappan, Walker, Wilcox, Woodbury, Wright, and Young—21.

*Nays*—Messrs. Bates, Berrien, Clayton, Conrad, Crittenden, Cuthbert, Evans, Henderson, Huntington, Kerr, Mangum, Morehead, Smith of Indiana, White, and Woodbridge—15.

Mr. Allen now moved to make the resolution the special order for Wednesday week.

Mr. Merrick suggested Monday week, which was accepted by the mover; and the question being put, the resolutions were postponed till Monday week, and made a special order for that day.

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## ADDENDA.

### No. 242.

#### *Arrests of Women—Statement of Mrs. Abby H. Lord.*

PROVIDENCE, June 5, 1844.

SIR: I send you a correct statement of the arrests of the women, and leave you to do as you see fit with it. A man presented himself at my door, and asked me the names of the members of my family over 18 and under 45. Knowing him to be an agent of the charter government, and having been subjected to military power in having our houses broken open and rifled, and our husbands imprisoned, we felt suspicious of him. I asked him his object. He said he came to enroll the militia. I told him I had no one to train in his company; that we were all Dorrites, and that my husband held a commission in the army of the United States during the last war; that he fought for the liberties of the American people, and for daring to defend their rights they had put him in the State's prison—that was the truth. My oldest son was not 14. He then told me I was subject to a fine of twenty-five dollars. I thought no more of it. He did not say he had any authority to question me. Five weeks from that day there came two sheriffs with a *capias*, to arrest me without a moment's notice—the grand jury having found a bill against me for a violation of the militia law. One of the sheriffs guarded us, [the women:] while the other picked us up, and read over the process. Mrs. Pettis (one of the ladies arrested) had been confined one day when this apology for a man burst into her room, (after having been told

by her nurse that she was sick,) and ordered her, in the most insulting manner, to give the names of her family of the ages aforesaid. She being very much frightened at the forcible intrusion of a man at such an improper time, told him her physician had forbid her talking. After having abused her, he then told her she was subject to a fine of twenty-five dollars. Five weeks from that day, she, together with myself and three others, were taken, as I have stated, with a *capias*. She asked for time to call in a neighbor to take care of her family. She was told that she must go immediately to the court-house. Accordingly, with her baby of five weeks in her arms, she was taken from her family, in the absence of her husband, and carried to the court-house. The next woman that was arrested was a Mrs. Collins—a woman, I should think, 50 years old. She had her oven heated, and her baking ready to set in. She was told she could not stay to put her bread in, nor call in a neighbor. Mrs. Luther and Mrs. Danforth complete the number of women that were arrested at the time that I was. On our way to the court-house, the sheriff offered himself as surety for us; whether the court had so instructed him or not, I do not know. I told him I should give no surety. When we arrived at the court-room, Mrs. Pettis was called first to answer to the indictment. After pleading not guilty, she was asked if she had any counsel; she hardly knew what to answer. She was asked for surety. Mr. Clapp, the sheriff that arrested us, stepped forward as surety. I was next called; and, after hearing the indictment read, pleaded not guilty. I was then asked if I had any counsel. I told them I should plead my own cause. I then turned to take my seat. The chief judge called me back, and called on Mr. Clapp to be surety for me. I told him, going out of the court-room, I should give no surety.

ABBY H. LORD.

Hon. E. BURKE, *Member of Congress*.

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No. 243.

*Copy of an indictment against Mrs. Abby H. Lord.*

PROVIDENCE, *sc*.

At the supreme court of the State of Rhode Island and Providence Plantations, holden at Providence, within and for the county of Providence, on the third Monday of September, in the year of our Lord one thousand eight hundred and forty-three—

The grand jurors of the State of Rhode Island and Providence Plantations, and in and for the body of the county of Providence, upon their oaths present: That heretofore, to wit, on the fifteenth day of August, in the year of our Lord one thousand eight hundred and forty-three, at the city of Providence, in the aforesaid county of Providence, the assessors of taxes in and for said city of Providence, the better to enable said assessors of taxes to prepare, list, and make enrollment of all persons liable to be enrolled in the militia and to do military duty, living within said city of Providence, appointed, authorized, and directed one Jeremiah Briggs to ascertain the names, and prepare a list of all persons liable to be enrolled in said militia and to do military duty, residing in the fourth, fifth, and sixth wards in said city of



Providence; and that afterwards, on the twenty-fourth day of August, in the year of our Lord one thousand eight hundred and forty three, at said city of Providence, in the aforesaid county of Providence, the said Jeremiah Briggs, being then and there in the due performance of his said appointment, and acting under the direction and authority of said assessors of taxes in and for said city of Providence, made application to Abby Lord, of said city of Providence, in the aforesaid county of Providence, wife of Henry Lord, of said city of Providence, in the aforesaid county of Providence, trimmer, *alias* laborer, *alias* gentleman, to give information of the names of all persons residing in the house of the said Henry Lord, situate in the fourth ward of said city of Providence, liable to enrollment in said militia or to do military duty; she, the said Abby Lord, then and there residing, and being in said fourth ward of said city of Providence, and mistress of said house, and of a family then and there residing in said house.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Abby Lord, being then and there so as aforesaid applied to by the said Jeremiah Briggs, so as aforesaid acting under the direction and authority of the said assessors of taxes in and for said city of Providence, for the information aforesaid, then and there knowingly, designedly, wilfully, and contemptuously refused to give information of the names of persons then and there residing in said house, liable to enrollment in said militia or to do military duty, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

And the jurors aforesaid, upon their oaths aforesaid, do further present: That the said Jeremiah Briggs, on the said twenty fourth day of August, in the year of our Lord one thousand eight hundred and forty-three, at the city of Providence aforesaid, in the aforesaid county of Providence, acting under the direction and authority of the assessors of taxes in and for said city of Providence, made application to said Abby Lord, she, the said Abby Lord, being then and there mistress of a-house situate in said city of Providence, and mistress of a family then and there residing in said house, to give information of the names of all persons then and there residing in said house liable to enrollment in the militia of said State, or to do military duty; and that the said Abby Lord, then and there, knowingly, wilfully, unlawfully, designedly, and contemptuously refused to give such information, against the form of the statute in such case made and provided, and against the peace and dignity of the State.

Preferred by—

JOSEPH M. BLAKE,  
*Attorney General.*

PROVIDENCE, SC.

CLERK'S OFFICE SUPREME COURT,  
June 15, A. D. 1844.

I certify the foregoing to be a true copy of the indictment returned by the grand jurors, within and for the body of the county of Providence, at the September term of said court, A. D. 1843.

Attest:

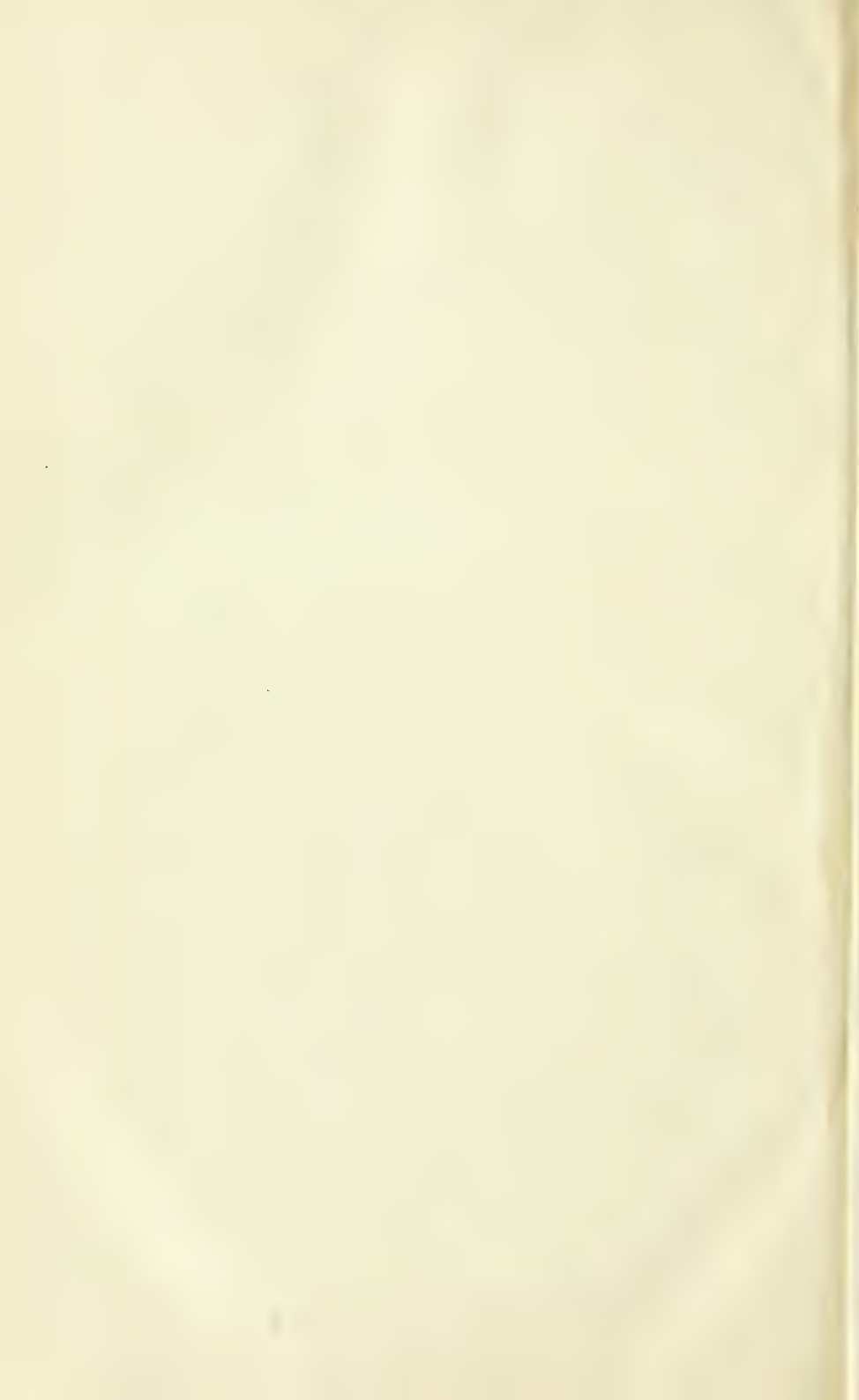
WALTER PAINE, Jr., *Clerk.*





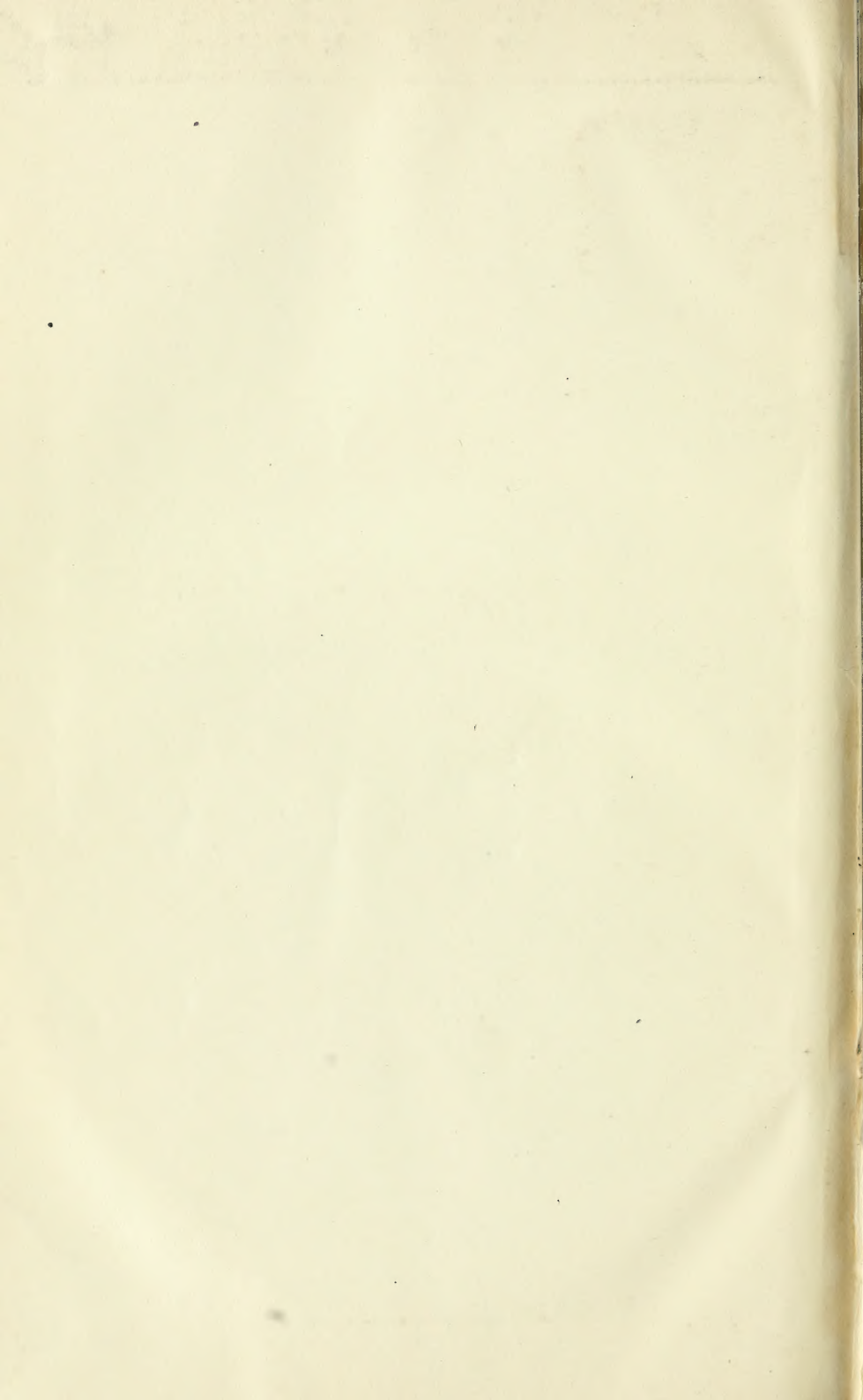


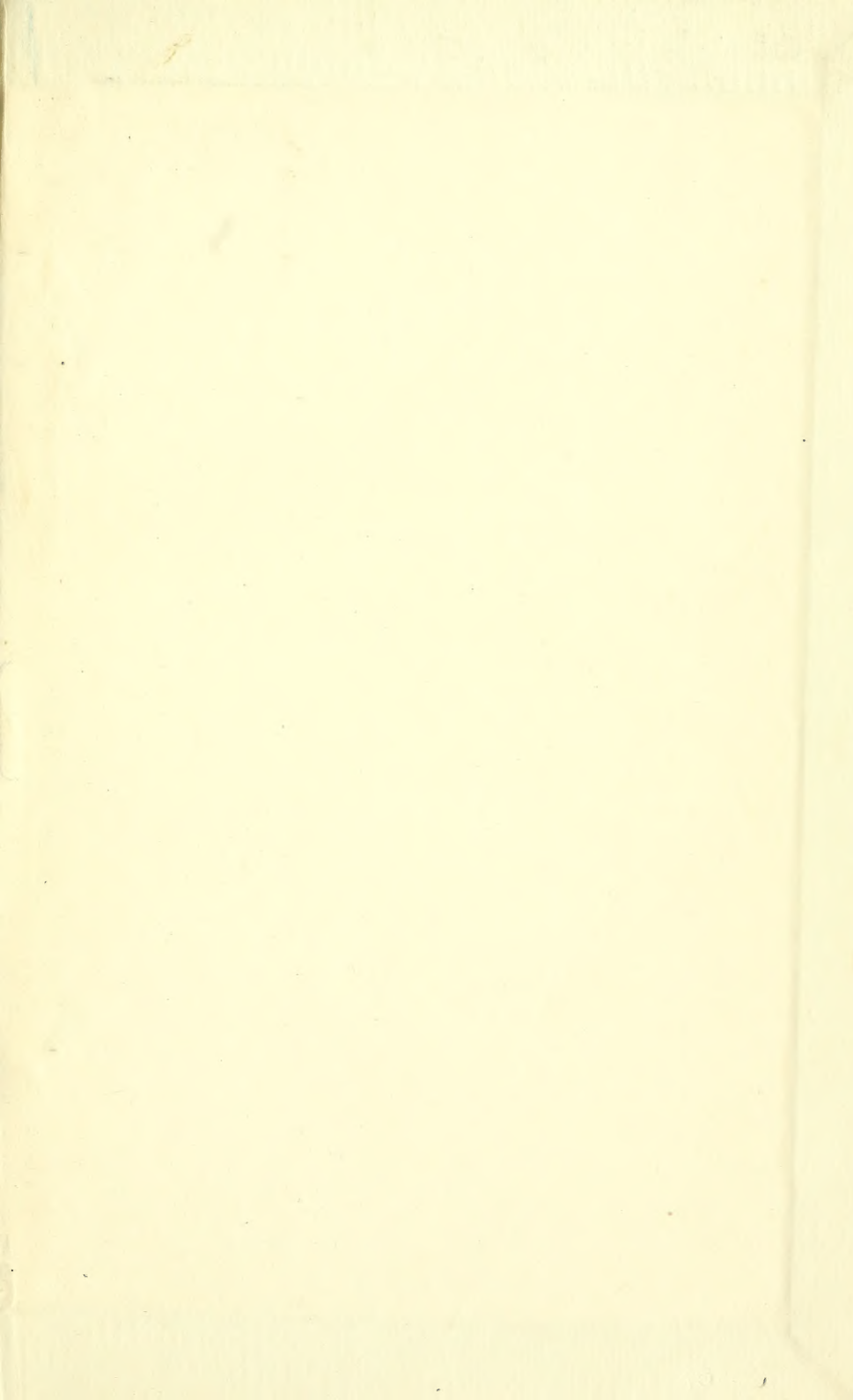












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